

















Digitized by the Internet Archive  
in 2010 with funding from

Institute of Museum and Library Services under the provisions of the Library Services and Technology Act; Lyrasis Members and Sloan Foundation



JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE STATE OF INDIANA,  
DURING  
THE THIRTIETH SESSION  
OF THE  
GENERAL ASSEMBLY.

---

INDIANAPOLIS:  
J. P. CHAPMAN, STATE PRINTER.  
1845.

21164

INDIANA STATE LIBRARY



JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES,  
OF THE  
STATE OF INDIANA,

*During the Thirtieth Session of the General Assembly, begun and held in the Capitol, in the Town of Indianapolis, on Monday, the first day of December, in the year of Our Lord one thousand eight hundred and forty-five, being the day fixed by the Constitution of the State for the meeting of the General Assembly.*

---

The House having been called to order by John H. Farquhar, Principal Clerk to the last House of Representatives, the following members produced their credentials, were sworn into office by the Hon. William J. Peaslee, President Judge of the 5th Judicial Circuit of Indiana, and took their seats, viz:

*From the counties of Adams and Jay—*Samuel S. Mickle.

*From the county of Allen—*Christian Parker.

*From the county of Bartholomew—*Ephraim Arnold.

*From the county of Boone—*Henry G. Hazelrigg.

*From the counties of Carroll and Richardville—*Henry P. Tedford.

*From the county of Cass—*Cyrus Taber.

*From the county of Clark—*John S. Simonson, and John D. Ferguson.

*From the county of Clay—*Francis B. Yocum.

*From the county of Clinton*—Wilson Seawright.

*From the county of Crawford*—Daniel A. McRae.

*From the counties of Dearborn and Ohio*—George Cornelius, and Richard Slater.

*From the county of Decatur*—William J. Robinson.

*From the counties of Daviess and Martin*—Richard A. Clements.

*From the county of Delaware*—J. Tomlinson.

*From the county of Dubois*—George W. Lemmonds.

*From the county of Elkhart*—Samuel P. Clymer.

*From the county of Fayette*—William Stewart, and Miner Meeker.

*From the county of Floyd*—John Jones.

*From the county of Fountain*—John Bowman.

*From the county of Franklin*—E. D. Cruikshank, and Spencer Wiley.

*From the county of Gibson*—Samuel Hall.

*From the county of Grant*—Joseph Morrow.

*From the county of Greene*—Lovell H. Rousseau.

*From the counties of Hamilton and Tipton*—Robert P. Kimberlin, and Carter T. Jackson.

*From the county of Hancock*—Reuben Riley, and George Henry.

*From the county of Harrison*—William A. Porter, and Dennis Pennington.

*From the county of Hendricks*—Jonathan S. Harvey.

*From the county of Henry*—Marble S. Cameron, and Samuel Coffin.

*From the counties of Huntington, Blackford, and Wells*—Robert B. Turner.

*From the county of Jackson*—Samuel P. Mooney.

*From the county of Jefferson*—John Chambers, Thomas Wise, and Milton Stapp.

*From the county of Jennings*—Allen Hill.

*From the county of Johnson*—Daniel Webb.

*From the county of Laporte*—Andrew L. Osborn, J. S. Carter.

*From the county of Lawrence*—George W. Carr, and John Edwards.

*From the county of Madison*—Eram Ellis.

*From the county of Marion*—Nathaniel B. Webber, and Young E. R. Wilson.

*From the counties of Marshall and Fulton*—Anthony F. Smith.

*From the counties of Miami and Wabash*—Benjamin Henton.

*From the counties of Monroe and Brown*—Jacob B. Lowe.

*From the county of Montgomery*—Samuel Herron, Henry T. Snook, and John S. Nelson.

*From the county of Morgan*—Alexander B. Conduit.

*From the counties of Noble and Lagrange*—Thomas H. Wilson.

*From the county of Orange*—Joel Vandever.

*From the county of Owen*—George W. Moore.



*From the county of Parke*—William R. Nofsinger, and James Kerr.

*From the county of Perry*—George B. Thompson.

*From the county of Pike*—Robert Logan.

*From the counties of Porter and Lake*—Alexander McDonald.

*From the county of Putnam*—Henry Secrest, and James B. Brumfield.

*From the county of Randolph*—Royston Ford.

*From the county of Ripley*—W. Blackwell.

*From the county of Rush*—James Hinchman, and Robert S. Cox.

*From the county of Scott*—Samuel Davis.

*From the county of Shelby*—James R. Sleeth.

*From the county of Spencer*—W. Huff.

*From the counties of Steuben and Dekalb*—Clark Powers.

*From the county of St. Joseph*—Thomas S. Stanfield.

*From the county of Sullivan*—John H. Wilson, and Silas Osborn.

*From the county of Switzerland*—Edward Burns.

*From the county of Tippecanoe*—William L. Leyman, and Samuel McCormick.

*From the county of Union*—William Watt, and Ambrose Ruby.

*From the county of Vanderburgh*—Conrad Baker.

*From the county of Vermillion*—William P. Dole.

*From the county of Vigo*—Thomas Dowling, and Grafton F. Cookerly.

*From the county of Warren*—Colbrath Hall.

*From the county of Warrick*—Isham Fuller.

*From the counties of White, Pulaski, Jasper, and Benton*—William Coon.

*From the counties of Whitley and Kosciusko*—David Rippey.

*From the county of Washington*—William Shanks, and Henry C. Monroe.

*From the county of Wayne*—George W. Julian, Joseph Lewis, and Walter Legg.

Messrs. Robert N. Carnan, member elect from the county of Knox, and James C. Endecott, member elect from the county of Posey, and Hugh S. Scott, member elect from the county of Fountain, were absent at the calling of the House.

Upon calling the counties of Dearborn and Ohio, J. H. Lane and William Lanius, both came forward and presented to the Clerk certificates of election, each claiming to be one of the legally elected members of said counties.

Whereupon,

On motion,

Dennis Pennington was temporarily called to the Chair.

Mr. McDonald moved, that neither of the gentlemen be permitted to sit as a member of the House,

Which was lost.

On motion by Mr. Stapp,

Mr. Lanius was admitted to a seat as one of the Representatives elect, from the counties of Dearborn and Ohio.

Whereupon,

Mr. Lanius came forward, was sworn into office, and took his seat.

The House then proceeded to the election of a Speaker. On counting the first ballot,

John S. Simonson, received,	- - - - -	73 votes.
-----------------------------	-----------	-----------

Scattering,	- - - - -	24 votes.
-------------	-----------	-----------

John S. Simonson, having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives, during the present session, and having been conducted to the chair by Messrs. Meeker and Lowe, in a brief and appropriate speech returned his thanks to the members for the honor conferred upon him, in selecting him to preside over their deliberations, and solicited their hearty co-operation in the work of Legislation.

On motion,

The House proceeded to the election of a Principal Clerk, Messrs. Stapp and McDonald acting as tellers; on counting the first ballot,

T. B. Kinder, received,	- - - - -	32 votes.
-------------------------	-----------	-----------

Mr. Donnavan, “	- - - - -	15 votes.
-----------------	-----------	-----------

Mr. Harlan, “	- - - - -	17 votes.
---------------	-----------	-----------

Mr. Haden, “	- - - - -	25 votes.
--------------	-----------	-----------

Mr. Boon, “	- - - - -	5 votes.
-------------	-----------	----------

Scattering, “	- - - - -	3 votes.
---------------	-----------	----------

No person having received a majority of all the votes given, the House proceeded to a second balloting; on counting the votes,

T. B. Kinder, received,	- - - - -	33 votes.
-------------------------	-----------	-----------

Mr. Donnavan, “	- - - - -	10 votes.
-----------------	-----------	-----------

A. J. Harlan, “	- - - - -	17 votes.
-----------------	-----------	-----------

Mr. Haden, “	- - - - -	32 votes.
--------------	-----------	-----------

Scattering, “	- - - - -	4 votes.
---------------	-----------	----------

No person having received a majority of all the votes given, the House proceeded to a third balloting; on counting the votes,

T. B. Kinder, received,	- - - - -	38 votes.
-------------------------	-----------	-----------

Mr. Donnavan, “	- - - - -	6 votes.
-----------------	-----------	----------

A. J. Harlan, “	- - - - -	16 votes.
-----------------	-----------	-----------

Mr. Haden, “	- - - - -	34 votes.
--------------	-----------	-----------

Scattering, “	- - - - -	2 votes.
---------------	-----------	----------

Neither of the candidates having received a majority of all the votes given,

On motion,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment;

And proceeded to a fourth ballot for Principal Clerk; on counting the votes,

T. B. Kinder, received,	- - - - -	45 votes.
Mr. Haden,	" - - - - -	36 votes.
Scattering,	" - - - - -	16 votes.

No person having received a majority of all the votes given, the House proceeded to the fifth balloting; on counting the votes,

T. B. Kinder, received,	- - - - -	58 votes.
Mr. Haden,	" - - - - -	34 votes.
Scattering,	" - - - - -	5 votes.

T. B. Kinder, having received a majority of all the votes given, was declared duly elected Principal Clerk of the House of Representatives during the present session: came forward, was sworn into office by the Honorable David Kilgore, President Judge of the 11th judicial circuit of the State of Indiana, and entered upon the discharge of his duties.

On motion,

The House proceeded to the election of an Assistant Clerk, Messrs. Vandever and Hazelrigg, acting as tellers. On counting the first ballot it appeared that,

Francis M. Williams, received,	- - - - -	40 votes.
Mr. Powers,	" - - - - -	8 votes.
Mr. Lawson,	" - - - - -	11 votes.
Mr. Talbott,	" - - - - -	2 votes.
Blank,	" - - - - -	7 votes.

No person having received a majority of all the votes given, the House then proceeded to a second balloting; on counting the votes it appeared that,

Francis M. Williams, received,	-	-	-	-	46 votes.
Andrew J. Harlan,	"	-	-	-	28 votes.
Mr. Lawson,	"	-	-	-	5 votes.
Mr. Powers,	"	-	-	-	9 votes.
M. Talbott,	"	-	-	-	3 votes.
Blank,	"	-	-	-	6 votes.

No person having received a majority of all the votes given, the House then proceeded to a third balloting; on counting the votes it appeared that,

Francis M. Williams, received,	-	-	-	-	47 votes.
Andrew J. Harlan,	"	-	-	-	9 votes.
Mr. Powers,	"	-	-	-	6 votes.
Mr. Lawson,	"	-	-	-	4 votes.
Mr. Vawter,	"	-	-	-	25 votes.
Mr. Talbott,	"	-	-	-	2 votes.
Blank,	"	-	-	-	3 votes.
Mr. Messick,	"	-	-	-	1 vote.

No person having received a majority of all the votes given, the House proceeded to a fourth balloting; on counting the votes it appeared that,

Francis M. Williams, received,	-	-	-	-	52 votes.
W. J. Vawter,	"	-	-	-	31 votes.
Andrew J. Harlan,	"	-	-	-	5 votes.
Mr. Powers,	"	-	-	-	3 votes.
Mr. Lawson,	"	-	-	-	1 vote.
Mr. Talbott,	"	-	-	-	4 votes.
Blank,	"	-	-	-	1 vote.

Francis M. Williams, having received a majority of all the votes given, was declared by the Speaker duly elected Assistant Clerk of the House of Representatives, during the present session.

Whereupon he appeared, was sworn into office by the Honorable David Kilgore, President Judge of the 11th Judicial Circuit for the State of Indiana, and entered upon the discharge of his official duties.

On motion,

The House proceeded to the election of a Door-keeper, Messrs. Rousseau and Moore acting as tellers. On counting the first ballot,

Mr. Cooper, received,	-	-	-	-	6 votes.
Mr. Johnson,	"	-	-	-	10 votes.
Mr. Roberts,	"	-	-	-	1 vote.
Mr. Messick,	"	-	-	-	5 votes.
Mr. Hensley,	"	-	-	-	5 votes.



Mr. Leonard, received,	-	-	-	-	-	-	2 votes.
Mr. Danforth, "	-	-	-	-	-	-	9 votes.
Mr. Newland, "	-	-	-	-	-	-	1 vote.
Mr. Berryhill, "	-	-	-	-	-	-	14 votes.
Mr. Day, "	-	-	-	-	-	-	1 vote.
Mr. Youse, "	-	-	-	-	-	-	7 votes.
Mr. Miller, "	-	-	-	-	-	-	21 votes.
Mr. Childers, "	-	-	-	-	-	-	1 vote.
Mr. Sexton, "	-	-	-	-	-	-	4 votes.
Mr. Vanhook, "	-	-	-	-	-	-	8 votes.
Mr. Martin, "	-	-	-	-	-	-	1 vote.
Scattering, "	-	-	-	-	-	-	1 vote.

No person having received a majority of all the votes given, the House proceeded to a second balloting; on counting the votes,

John S. Berryhill, received,	-	-	-	-	-	18 votes.
Thomas P. Miller, "	-	-	-	-	-	25 votes.
Mr. Cooper, "	-	-	-	-	-	5 votes.
Mr. Johnson, "	-	-	-	-	-	7 votes.
Mr. Danforth, "	-	-	-	-	-	7 votes.
Mr. Messick, "	-	-	-	-	-	3 votes.
Mr. Hensley, "	-	-	-	-	-	4 votes.
Mr. Youse, "	-	-	-	-	-	9 votes.
Mr. Vanhook, "	-	-	-	-	-	12 votes.
Mr. Palmer, "	-	-	-	-	-	1 vote.
Mr. Leonard, "	-	-	-	-	-	3 votes.
Mr. Roberts, "	-	-	-	-	-	1 vote.
Mr. Newland, "	-	-	-	-	-	1 vote.
Mr. Williams, "	-	-	-	-	-	1 vote.
Scattering, "	-	-	-	-	-	1 vote.

No person having received a majority of all the votes given,

On motion,

The House adjourned until to-morrow morning, 9 o'clock, A. M.

TUESDAY MORNING, DECEMBER, 2, 1845.

The House met pursuant to adjournment.

Mr. Stapp moved a call of the House, which was seconded.

On motion by Mr. Fuller,

The further call of the House was suspended.

James C. Endecott, the member elect from the county of Posey, appeared, produced his certificate, was sworn, and took his seat.

The House then proceeded to a third ballot for Door-keeper. On counting the votes it appeared that,

Mr. Berryhill, received,	-	-	-	-	-	-	29 votes.
Mr. Miller,	"	-	-	-	-	-	23 votes.
Mr. Vanhook,	"	-	-	-	-	-	20 votes.
Mr. Danforth,	"	-	-	-	-	-	7 votes.
Mr. Hensley,	"	-	-	-	-	-	1 vote.
Mr. Youse,	"	-	-	-	-	-	5 votes.
Mr. Cooper,	"	-	-	-	-	-	3 votes.
Mr. Messick,	"	-	-	-	-	-	2 votes.
Mr. McCormick,	"	-	-	-	-	-	1 vote.
Mr. Beck,	"	-	-	-	-	-	2 votes.
Mr. Hill,	"	-	-	-	-	-	1 vote.
Mr. Duke,	"	-	-	-	-	-	1 vote.

No person having received a majority of all the votes given, the House proceeded to a fourth balloting; on counting the votes,

Mr. Berryhill, received,	-	-	-	-	-	-	45 votes.
Mr. Miller,	"	-	-	-	-	-	25 votes.
Mr. Vanhook,	"	-	-	-	-	-	18 votes.
Mr. Danforth,	"	-	-	-	-	-	3 votes.
Mr. Cooper,	"	-	-	-	-	-	5 votes.
Mr. Messick,	"	-	-	-	-	-	1 vote.
Mr. Beck,	"	-	-	-	-	-	1 vote.
Mr. Duke,	"	-	-	-	-	-	1 vote.

No person having received a majority of all the votes given, the House proceeded to a fifth balloting; on counting the votes it appeared that,

John S. Berryhill, received,	-	-	-	-	-	-	61 votes.
Mr. Miller,	"	-	-	-	-	-	24 votes.
Mr. Vanhook,	"	-	-	-	-	-	6 votes.
Mr. Messick,	"	-	-	-	-	-	1 vote.
Mr. Cooper,	"	-	-	-	-	-	2 votes.
Blank,	"	-	-	-	-	-	2 votes.
Mr. Youse,	"	-	-	-	-	-	1 vote.

John S. Berryhill, having received a majority of all the votes given, was declared duly elected Door-keeper of the House of Representatives, during the present session, was sworn into office, and entered upon the discharge of his duties.

The following message was received from the Senate, by Mr. Gorman, their Principal Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution :

*Resolved*, That the Principal Secretary of the Senate inform the House of Representatives that the Senate have convened, formed a quorum, and elected Willis A. Gorman, Principal Secretary, Isaac N. Akin, Assistant Secretary, and D. T. Miller, Doorkeeper, and are ready to proceed to Legislative business.

Mr. Clymer offered the following resolution :

*Resolved*, That the Clerk of this House inform the Senate, that the House of Representatives have convened, formed a quorum, elected John S. Simonson, Speaker, T. B. Kinder, Principal Clerk, Francis M. Williams, Assistant Clerk, John S. Berryhill, Doorkeeper ; and are now ready to proceed to Legislative business.

Mr. Moore moved to lay on the table ;

Which motion prevailed.

Mr. Vandever moved that the House now proceed to the election of a Sergeant-at-Arms.

Mr. Thompson moved to lay the motion on the table.

And the ayes and noes being demanded by Messrs. Meeker and Thompson,

*Those who voted in the affirmative are,*

Messrs. Baker, Brumfield, Carr, Clements, Clymer, Conduit, Coon, Cox, Cruikshank, Edwards, Ellis, Ford, Hall of Gibson, Hazelrigg, Hill, Hinchman, Huff, Kimberlin, Legg, Lewis, Lemmonds, Logan, McRae, Meeker, Mickle, Mooney, Morrow, Nelson, Nofsinger, Parker, Pennington, Power, Riley, Rippey, Ruby, Seawright, Secrest, Smith, Stanfield, Stewart, Taber, Thompson, Turner, Watt, Wiley, and Wilson of Noble—47.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Cameron, Carter, Chambers, Coffin, Cookerly, Cornelius, Davis, Dole, Dowling, Endecott, Ferguson, Fuller, Hall of Warren, Harvey, Henry, Henton, Herron, Jackson, Jones, Julian, Kerr, Lanius, Leyman, McCormack, McDonald, Monroe, Moore, Osborn of Laporte, Osborn of Sullivan, Robinson, Rousseau, Shanks, Slater, Sleeth, Snook, Stapp, Tedford, Tomlinson, Vandever, Webb, Webber, Wilson of Marion, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—51.

So said motion did not prevail.

The question then recurring upon the motion to proceed to the election of a Sergeant-at-Arms,

And the ayes and noes being demanded by Messrs. Vandever and Pennington,

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Cameron, Carter, Chambers, Coffin, Cookerly, Cruikshank, Davis, Dole, Dowling, Endecott, Ferguson, Fuller, Harvey, Henton, Herron, Hill, Jones, Julian, Kerr, Lanius, Leyman, Lemmonds, McCormack, McDonald, Monroe, Moore, Osborn of Laporte, Osborn of Sullivan, Rousseau, Seawright, Shanks, Slater, Sleeth, Snook, Stapp, Tedford, Tomlinson, Vandever, Webb, Webber, Wilson of Marion, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—47.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Burns, Carr, Clements, Clymer, Conduit, Coon, Cornelius, Cox, Edwards, Ellis, Ford, Hall of Gibson, Hall of Warren, Hazelrigg, Henry, Hinchman, Huff, Jackson, Kimberlin, Legg, Lewis, Logan, McRae, Meeker, Mickle, Mooney, Morrow, Nelson, Nofsinger, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Ruby, Secrest, Smith, Stanfield, Stewart, Taber, Thompson, Turner, Watt, Wiley, and Wilson of Noble—50.

So said motion was not adopted.

Mr. Stapp moved to take from the table the resolution, notifying the Senate that the House had convened, elected officers, and were now ready to proceed to Legislative business.

Which motion prevailed.

The question then being on the adoption of the resolution,

It was decided in the affirmative.

On motion by Mr. Carr,

*Resolved*, That a committee of two be appointed on the part of House, to act with a similar committee on the part of the Senate, to wait upon his Excellency, the Governor, and know of him at what time it will suit his convenience to make his annual communication to the two Houses of the General Assembly.

Messrs. Carr and Rousseau were by the Speaker appointed said committee on the part of the House, to act in concert with one of the Senate for said purpose.

On motion by Mr. Thompson,

*Resolved*, That a committee of two be appointed on the part of the House to act with a like committee upon the part of the Senate, to respectfully request the Rev. William V. Daniel, to attend in the Hall of the House of Representatives to-morrow morning at 10 o'clock, to open the present session of the General Assembly by

prayer; and that the Senate be requested to reciprocate this resolution; and that seats be provided upon the right of the Speaker's chair for the Senators.

And Messrs. Thompson and Vandever were by the Speaker appointed said committee on the part of the House, to act in concert with one of the Senate for said purpose.

Mr. Mickle offered the following resolution :

*Resolved*, That the rules and joint rules which were in force at the last session, be adopted for the government of the House at the present session.

Mr. Secrest moved to amend as follows :

"Except so much of the 8th rule as provides for a standing committee on Federal Relations."

Which resolution and amendment,

On motion by Mr. Stapp,

Were referred to a select committee of Messrs. Hazelrigg, Stapp and Mickle.

Mr. Baker offered the following resolution :

*Resolved*, That the Doorkeeper of this House be directed to furnish each member of the House with a copy of the Revised Statutes of 1843, a copy of the journals of the last session of the House, a copy of the laws of the last session of the General Assembly, and a copy of the laws of 1843 and 1844.

Which was adopted.

The following message was received from the Senate by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution, and respectfully ask the concurrence of the House of Representatives:

*Resolved*, That a committee of two on the part of the Senate, together with a similar committee on the part of the House of Representatives, to wait upon his Excellency, the Governor, and inform him that the General Assembly are now ready to receive any communications that he may be pleased to make, and that the House be informed thereof.

Messrs. Read and Morgan of Decatur were appointed said committee.

On motion by Mr. Mickle,

*Resolved*, That the editors of all the newspapers in this State, or their reporters, be permitted to occupy seats within the bar of the House, for the purpose of reporting the proceedings thereof for their respective papers.

On motion by Mr. Vandever,

The House adjourned until 2 o'clock, P. M.



2 o'clock, P. M.

House met.

On motion by Mr. Vandever,

*Resolved*, That D. M. Tilton be allowed the sum of twelve dollars for four days services for preparing the House at the present session.

Mr. Carr, from the joint committee appointed to wait on his Excellency, the Governor, made the following report :

MR. SPEAKER :

The joint committee appointed to wait upon his Excellency, the Governor, and learn of him at what time he will make his annual communication to the two Houses of the General Assembly, have performed that duty, and are informed by his Excellency that on this day, at 2 o'clock, P. M., in the Hall of the House of Representatives, he will make his annual communication to the two Houses of the General Assembly.

On motion by Mr. Hazelrigg,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, instantler, to hear the message of his Excellency, the Governor, and that seats be prepared for them on the right of the Speaker's chair.

The Senate then came into the Hall, and took their seats on the right of the Speaker's chair.

When the Governor delivered the following message in the presence of both Houses.

## MESSAGE.

*Gentlemen of the Senate,*

*and of the House of Representatives:*

In being permitted again to convene under auspicious circumstances, for the discharge of the important trusts delegated to us for the welfare of the people, we find abundant cause of congratulation. During the year which is now drawing to a close, sickness, although wide spread, has been attended with but comparatively little mortality, and is happily succeeded by the blessings of health; the su-



premacý of the laws has been maintained; abundant harvests have crowned the labors of the year; our leading products are commanding encouraging prices; self-relying industry has been rewarded and stimulated by its merited compensation, and the deep gloom of individual embarrassment, which so long has overspread the State, is slowly retiring before the light of returning prosperity. For these, and numerous other blessings, it becomes us to render our grateful thanks to Him, the Giver of every good and perfect gift, and humbly to implore a continuance of His favor.

The ordinary expenses of the Government for the fiscal year, ending on the 31st of October last, were \$71,122 29, being \$22,-246 44 less than the expenses of the preceding year. In these expenses are also included payments for the construction of the new State Prison, and for a thorough repair of the State-house, under appropriations made for those objects.

The ordinary expenses for the year 1846, are estimated at \$67,-100, being a still further reduction of four thousand dollars.

The number of polls for 1845, estimating for some counties from which no returns have been received, is about 124,000, and the value of taxables, making a similar allowance, may be stated at about \$118,500,000. This exhibits an increase of 6000 polls, and of \$2,300,000 of taxables over the returns of 1844. The whole amount of State revenue paid in during the last fiscal year, was \$271,963 69. The assessment of State revenue for 1845, is \$319,-424 81; that for county, road, school, and township purposes, is \$431,100 40. To which adding the delinquencies of former years, amounting to \$118,572 13, and the total amount of assessments for the year 1845, is \$869,097 02.

The result of my own observation and reflection, has been to satisfy me that there is great room for reform in our present system of county expenditures. In the last fiscal year, the aggregate taxes levied for county purposes, almost equalled, and in 1844, they actually exceeded, the whole amount of our State revenue in those years respectively. The fault, no doubt, is mainly imputable to the system itself, rather than to its administration. A leading item of expense, is the pay of jurors in our courts of justice. Under the option given to parties, issues of fact are frequently tried by the courts, and the spectacle is often exhibited, of the jury being in attendance, unemployed and at an unnecessary expense to the county. It is respectfully suggested, whether this evil could not in a great degree be remedied by establishing an issue term, or by requiring that, during the first days of the regular term, causes shall be brought to issue, ready for trial, and that *then*, and before the jury and witnesses are summoned, the parties in each case shall elect, whether the trial shall be by the court or jury. By placing the jury causes together on the docket for particular days of the term, the jury and witnesses when convened would be as constantly occupied until discharged as the nature of the business would permit. This

it is believed, would save to such persons a heavy tax upon their time, lighten the county burdens, and promote the cause of justice.

Since the last adjournment of the Legislature, a grant of one half of all the public lands in the Vincennes district, has been made by the United States to Indiana, to aid in the extension and completion of the Wabash and Erie canal, from Terre Haute to Evansville.

The grant has a two-fold aspect. By the first section of the act, there is conveyed to the State one moiety of the public lands lying in a strip five miles in width on each side of the canal from one end to the other, but restricted in the mode of selection by the principle of *alternation*,—that is, by reserving to the United States every alternate section, or other proper subdivision.

By the second section of the act, there is also granted to the State, one half of all the remaining lands lying *without* the limits of the strip and within the same land district; but as the principle of alternation is not imposed as to this part of the grant, the State is left at liberty to set off her moiety in such places within the limits of the grant, as may best promote her interest.

As these selections were authorized by the act of Congress to be made under the direction of the Governor of the State, it early became an object of the greatest solicitude that such measures should be adopted as would secure as far as practicable, the most valuable portion of these lands for the important object for which the grant was made. Supposing the State's half of the lands to amount to eight hundred thousand acres, which is very near the truth, then, a difference in the value of only twelve and a half cents per acre, occasioned by an injudicious selection, would amount in the aggregate to a loss of one hundred thousand dollars to the State. But the difference would, in all probability, be still greater, and operate far more injuriously to the interests of the State, without the observance of the same caution, by which a prudent individual would be governed in the purchase of lands. It was regarded as important, therefore, that every tract of public land subject to selection should be actually visited and examined by a person of competent skill and experience before a final selection should be made. By the terms of the act, further sales of public lands in the district were directed to be suspended until the selections should be perfected, and a return of the same made to the Secretary of the Treasury, and to the District Land office. But as it was also provided that this suspension should not continue beyond the period of twelve months from the passage of the act, which expires on the 3d of March next, and as there were nearly 1,600,000 acres of lands to be examined, (from which the State's moiety was to be selected,) extending through the twenty-three counties and parts of counties, embraced within the district, it became necessary to appoint a number of examiners sufficient to complete the work, not only by the time specified, but in a manner the most conducive to the interest of the State.

A separate map, as well as a separate list of all the unsold lands, in each of these counties, was procured from the General Land Office, to be placed in the hands of the several examiners to facilitate their labors, and to guide them in their operations. Soon after these were received, the examiners were convened at a central point, in order that by the specific instructions which were there given them, the necessary accuracy and uniformity on their part should be ensured. Had they been required to select for the State each in his own county, the better half of the lands therein contained, these separate moieties might not, and indeed it is certain they would not constitute the better half of the aggregate of the public lands in the district at large. They were directed, therefore, to divide the lands in their respective counties into five classes, according to their value, as compared with a common standard. F. E. Goodsell, Esq., of Evansville, was appointed as a general agent to visit the different examiners while thus engaged, and by comparing their estimates, to secure the necessary uniformity in classifying the different rates. By this means it was believed, that when the final reports of the examiners should be received, it would not be difficult to select the best classes of lands for the State.

By the terms of the grant, the State is prohibited from selling her portion of the lands, for less than the minimum price, for the time being, of other public lands.

But no restriction exists against the disposal of them in any *quantities*, however small. Believing that it would be found advisable to sell as low as in quarter-quarter sections, which would benefit the State by inviting a wider competition, and increasing the number of freeholders, the lists procured from the General Land Office, were transcribed and subdivided into tracts of that size, before they were put into the hands of the examiners.

Thus each forty acre tract will be found *separately* rated and ready to receive a corresponding valuation in the discretion of the Legislature, which would obviate the danger existing, in the case of uniform prices, of the best tracts of that size being first purchased, and a residue of unsaleable lands left on hand.

The State has heretofore found it necessary to make a graduated valuation of all lands granted to her for similar objects; and if the means had not been thus afforded to the Legislature, of at once affixing a suitable price to each class of lands in the present grant, the necessity would exist of having another valuation by another personal examination, with the same amount of additional expense, and what is probably of more importance, necessarily deferring action upon the subject for another year.

I am happy to state that, notwithstanding much delay occasioned by the prevalent sickness of the past season, the different examiners have finished their labors. Complete returns of their work have been received, and suitable persons are now engaged in this place, in making the final selections from them.



It has already been stated that the mode of selecting the State's moiety within the strip on each side of the canal, differs from that of selecting her portion without the strip. Hence, before the selections could be completed, either within or without the strip, it was necessary that the precise location of the canal should be known. This, on account of the loss of the notes of the former survey, the obliteration of marks, and other causes, it was found impossible to ascertain without a *new survey*. Accordingly, three experienced engineers, R. H. Fauntleroy of Posey, aided by W. J. Ball of Vigo, and S. C. Bradford of Warrick, were appointed to ascertain and fix the location of the canal in time for the selection of the lands. This duty has been performed, and a chart of the route of the canal, and of the lands selected for the State within the strip, is now in course of preparation. The chart, when finished, will be immediately forwarded to the General Land Office, because until that is done, the lands, by the terms of the grant, are not vested in the State.

This munificent donation, in connection with the disposition which it is understood is manifested by our bond-holders, may have an important bearing upon the credit of the State. And it is hoped, that it has been rendered apparent, that no pains have been spared on my part to gain to it the utmost value for that purpose.

The opinion has hitherto been nearly, if not quite universal among our citizens, as well as others acquainted with our condition and resources, that it is beyond the power of the State, at present, to fully meet its obligations. Even the plan submitted at the last session, in the Senate, virtually made this concession, by proposing to convert our bonds, mostly bearing five per cent. interest, into a stock bearing only three per cent. No plan that has been mooted for a resumption of payment, even the most stringent, has contemplated a full and immediate payment. The most rigid proposition has looked to a long indulgence on paying but a small part of the current interest, and funding the residue, together with that which is in arrears.

The completion of this canal, however advantageous it may be to the interests of those within its vicinity, it is manifest, claims your favorable regard, as the representatives of the State at large, chiefly as a revenue measure. And in that light it is believed to possess claims of a high character. The work, when finished, passes through a country of almost unrivalled fertility, and rapidly increasing population. Reaching in its full length, from Lake Erie to the Ohio river, it will be the longest work of the kind in the United States. It will be second in importance only to that which connects Lake Erie and Hudson's River, and will make one of the links in the great chain of internal navigation from the Northeastern to the South-western extremities of our growing confederacy.

It was stated in a quarter entitled to respect and confidence, at a meeting held at Terre Haute in May last, that if the State were to pay to her bond-holders, by a State tax and otherwise, a portion of her public debt, it was thought that they would be prepared to take

the profits of the canal for the balance. The gentleman who expressed this opinion, is now in attendance as the representative of our foreign bond-holders, and has verbally advised me that he will shortly prepare a communication offering a liberal arrangement, to be laid before the General Assembly.

In my last annual message, the opinion was expressed, that the great mass of our fellow citizens were willing and anxious to meet all our just obligations, that with them it was a question not of inclination but of ability, and that I had great confidence if a plan for extinguishing the debt should be matured and agreed upon—one which in terms would be feasible, and clearly brought within the ability of the State to meet, that an appeal to the moral sense of the citizens for their approval at the ballot box would not be made in vain. While nothing has since taken place to change, much has occurred to strengthen this opinion. More than two thirds of the State tax now paid by the people of Indiana, is devoted to the payment of the public debt. This tax has been steadily borne through years of discouragement and in the midst of unjust reproaches. When the domestic debt, existing in the form of treasury notes, and used as a currency, is absorbed in this manner, or is disposed of by a different and satisfactory arrangement, all of our State revenue, beyond the current expenses, can be applied to the payment of our foreign debt. By a similar application of the amount saved by the needed reform in our county expenditures, and by strict economy in every branch of the public service, the amount of the annual interest due on our foreign debt would be still further reduced. Should the proposition be again made on the part of our bond holders to take the profits of the canal for such a portion of our public debt as will enable the State, with the aid of the means above referred to, to pay the balance, I doubt not that the people will cheerfully submit to the necessary burthen, which, while it saves the honor, and resuscitates the credit of the State, will, by increased immigration, the enhanced value of property, the restoration of confidence, and the improvement of the credit of our citizens individually, more than compensate them for their outlay.

That such an arrangement will be made as will be satisfactory to our creditors, and will restore the tarnished escutcheon of Indiana to its original brightness, I will not permit myself to doubt. A searching and thorough reform in every branch of our county expenditures, of which I have given a solitary instance, the growing determination among our tax payers to wipe off our reproach, with a liberal spirit and disposition manifested by our creditors to facilitate their doing so,—will secure the consummation of that much desired result.

The early completion of the canal from Lafayette to Terre Haute, would, by the increased revenue to be thence derived, exercise a most favorable influence upon this question. There are yet some thirty-six thousand acres of land granted for that work, which have not yet been selected. I have hitherto abstained from causing the

selection to be made, in the hope that permission may be obtained from Congress to make it in the Miami Reservation. Such a measure would have a most important bearing upon the completion of the work. It is hoped that a thorough examination into the causes which have delayed its progress will be made, with the view, if possible, of applying the necessary corrective.

As in the expected communication from the agent of our creditors, some proposition may be submitted in relation to the disposition of the lands, and the construction of the canal, with the precise nature of which, I am not now sufficiently acquainted, any expression of opinion upon those subjects, is, for the present, deferred. I recommend, however, that provision be made to secure to existing settlers upon the lands granted to the State, a suitable indemnity for their labor, by which the lands have been enhanced in value. This is required by justice and is in accordance with the former policy of the State under like circumstances.

I cannot consistently with a sense of duty, omit respectfully calling your attention once more, to the propriety of giving to justices of the peace exclusive jurisdiction in many petty misdemeanors, which are now punishable by indictment in the circuit courts, for reasons set forth in my last annual message. Concurrent jurisdiction might also be given to them in some minor offences of a higher grade, as is now the case in assaults and batteries, affrays and other breaches of the peace; with the same restrictions of securing to the accused, the right of trial by jury, where the same is guaranteed by the constitution; and of providing for his being recognized for trial in the circuit court, either at his own election, or, where the justice shall be of opinion, that the highest punishment which he may be authorized to inflict will not be adequate to the offence. The time of the circuit courts is already so much occupied with trivial prosecutions, as to frequently cause a vexatious delay of justice to parties in the most important civil suits, and the evil must continue to increase with the growth of our population. The punishment by fine, although light, is so much augmented by the costs of court, and other expenses, saying nothing of loss of time, that it is believed there is scarcely a State in the Union where the same grade of offences is visited with so much severity.

The vast and growing amount of our special legislation, is a subject well calculated to arrest attention. Much the greater part of the time of the Legislature is occupied in passing local and private acts, for most of which, it is well worthy of consideration, whether ample provision cannot be made by a few general laws. An illustration is afforded in the laws for the incorporation of towns and churches. It is true that the former has not prevented applications for town charters, but these, it is believed, are in most cases unnecessary, and in all they might be rendered so, by so amending the general law, as to confer the necessary powers. The same local authorities upon whom the law confers the right of establishing fer-



ries, might, under suitable restrictions, be authorized to license toll gates and toll bridges. This would save much delay in making the necessary application for the privilege sought, and would hasten the completion of works of much needed improvement.

At nearly, if not quite every session, special laws are passed for the election of justices of the peace, in addition to those authorized by the general law. In one session as many as seventeen, and in the following session, eighteen such bills were passed. It is respectfully suggested, whether by clothing the Boards of Commissioners with the necessary powers, the object could not be as well attained, the wants of the community sooner met, and no small amount of the expense and labor of legislation saved.

Bills have been passed vacating towns and parts of towns, and to change their names, and examples have not been wanting of successful applications to vacate town alleys. Admitting the power of the legislature to effect each of these objects, it follows, that it can, by a general law be transferred, and, it is believed, more appropriately transferred to the county commissioners.

A more fruitful source of legislation is that of granting corporate powers to seminaries, literary societies, military companies, bands of musicians, to mill and manufacturing companies, and to other objects of a purely local and private character. Within the last eight years, there have been passed in this State, above four hundred private acts of incorporation, mostly for similar objects, making an average of more than fifty voluminous acts for each session. Without discussing the utility of these corporate privileges in every case, the opinion is confidently expressed, that all who need them, might be enabled to attain their object by a general law. By this means, a vast accumulation of private and special acts would be dispensed with, which only serve to lengthen the session, to increase the labors of the members, and what is not of less importance, to withdraw the mind from that full and matured consideration of important questions of a general and pervading character which is demanded by the public welfare. It would be proper in any general law of this character, to limit the amount of property to be held, to provide for the principle of individual liability where the same would be applicable, and to insert the other usual restrictions in our legislation upon these subjects, with a reservation to the General Assembly of the right of modification or repeal.

The policy of confinement in county jails, as a punishment for crime, may, in most cases, well be questioned. It is not only a serious burden on the counties, but it is believed to be incompatible with reformation, which is the leading purpose of criminal punishment. The attainment of this object may be hoped for by the penitentiary system, when made to combine imprisonment, with hard labor, and a suitable moral discipline. But this system, under our present laws only operates upon the higher classes of offenders, and has no bearing upon prisoners in the county jails. Yet there is far more

hope of reclaiming the latter by this system than the former, who, generally speaking, are more practised in crime. As a remedy for this evil, the application of the principle of penitentiary discipline upon those guilty of minor offences, as well as upon juvenile and female offenders, by means of Houses of Correction, is respectfully recommended. They should be established with an eye to the comfort and separate employment of the inmates, and to the exercise of a kindly, but firm and steady discipline.

By this means vicious associations would be prevented, and habits of industry formed. For all, who are the children of misfortune, rather than of crime, (and of such, are most of those who have only committed their first offence,) such a retreat would be, not only in name, but in fact, houses of refuge.

A principal obstacle to the permanent reformation of the penitentiary convict, is, that having lost his self-respect, and despairing of ever regaining the good opinion of the community, he feels at his release, that his character is gone and that he has nothing worth living for but the mere support of his animal existence. To obviate this difficulty as far as possible, I established a rule, that on a written report from the clerk of the prison, that a convict had faithfully complied with the rules of the prison, and by his exemplary conduct, had given evidence of reformation, he should be restored to the rights of citizenship—to the same platform whence he had descended, by a pardon, bearing on its face, the cause of its being granted. Four convicts have already availed themselves of this privilege since last February, when the rule was first established, and I am informed by the clerk, that more had entitled themselves to, and would gladly have availed themselves of this favor, but for the fact, that they would thereby lose the small sum of money, which, under an existing law, is paid to every convict at the *end of the time* for which he is sentenced, as a necessary means of support, until he can get into reputable employment. I recommend that the same law be made to apply to all cases, where the prisoner is released by pardon, within a given time before the expiration of his sentence, and expressly on the ground of good conduct.

The report of the visitor of the State Prison has been received, and will shortly be laid before you, with such remarks as may be required by the subject.

The fixing of the number of Representatives and Senators, and the apportioning of them among the several counties, according to the number of polls lately returned, will devolve upon the present General Assembly. In settling the details of this measure, it is respectfully recommended to your consideration, whether the number of the members in each branch of the Legislature may not be reduced without disadvantage to the public service. Besides the saving to the treasury, which would be effected by such a reduction, the opinion seems to prevail, and not without foundation, that where deliberative bodies are as small as will consist with a due knowledge



and representation of the wants of the constituency on the part of their delegation, the dispatch of business is not only greater, but that mature and dispassionate legislation is better secured. On this subject, however, the will of your constituents, of which you are the rightful exponents, and with which you are better acquainted, should be, and I doubt not will be, properly consulted.

The annual reports of the Adjutant General, and Quarter-master General, are herewith submitted. The former contains some suggestions in relation to drawing our full quota of the public arms from the General Government, of which we have been deprived since 1832. My views on this subject, were submitted in my former message, to which reference is respectfully made.

By the latter report it will be seen, that under the direction of the Quarter-master General, there have been collected of the public arms, which had been scattered in various parts of the State, eleven hundred and seventy-five pieces, of which six hundred and one pieces have undergone the necessary repairs.

The recommendation of the last named officer, touching the transportation of arms, commends itself to your favorable consideration, on the score, both of economy and sound policy. The expense of collecting, repairing, and transporting arms, constitutes a large portion of the disbursements from the contingent fund, and as this will be an annual expenditure, it is recommended that *it*, as well as the postage account, be separately appropriated under their proper heads.

The present may well be regarded as a crisis in the affairs of the State. Some of the various subjects which will engage your attention, are of vital importance to the welfare of Indiana. That there should be an entire unanimity of opinion upon all these questions, and especially as to their details, is not to be expected. But they need, and it is trusted that they will receive, your maturest deliberations, in that spirit of deference, of conciliation, and of concession; which in such cases, is almost essential to success.

JAMES WHITCOMB.

INDIANAPOLIS, *December 2, 1845.*

The Senate then retired to their chamber.

Mr. Thompson, from the committee appointed by the Speaker on the part of the House, to wait on the Rev. William V. Daniels, made the following report:

MR. SPEAKER:

The committee appointed upon the part of the House of Representatives, have, with a like committee from the Senate, in accordance with the resolution adopted, waited upon the Rev. William V. Daniels, requesting him to attend in the Hall to-morrow morning, at

10 o'clock, to offer up solemn prayer at the opening of the present session of the General Assembly, and he responded that he would attend as requested.

On motion by Mr. Hazelrigg,

*Resolved*, That when the Speaker is addressed by a member of the House, that he do not respond to him, unless the member is at his seat.

Mr. McDonald offered the following resolution:

*Resolved*, That each member and officer of the House of Representatives, be authorized to contract for, and receive any number of any one or more newspapers printed and published in the town of Indianapolis, to be designated by such member or officer, not exceeding in cost the sum of four dollars, for each member or officer, which shall be paid for out of the State Treasury.

Mr. Secrest moved to lay the resolution on the table;

And the ayes and noes being demanded by Messrs. Secrest and Moore,

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Carr, Carter, Chambers, Coffin, Conduit, Cookerly, Coon, Cornelius, Cox, Cruikshank, Ellis, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henton, Herron, Hinchman, Huff, Julian, Kerr, Lanius, Legg, Lemmonds, Lewis, Logan, McDonald, McRae, Meeker, Mickle, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Pennington, Porter, Rippey, Ruby, Secrest, Slater, Smith, Stapp, Turner, Watt, Webb, Wiley, Wilson of Noble, and Wise—56.

*Those who voted in the negative are,*

Messrs. Burns, Clements, Clymer, Davis, Dole, Dowling, Edwards, Endecott, Fuller, Henry, Hill, Jackson, Jones, Kimberlin, Leyman, Lowe, McCormack, Monroe, Osborn of Laporte, Powers, Riley, Robinson, Rousseau, Seawright, Shanks, Sleeth, Stanfield, Stewart, Taber, Tedford, Thompson, Tomlinson, Vandever, Webber, Wilson of Marion, Wilson of Sullivan, and Mr. Speaker—37.

So said resolution was laid on the table.

On motion of Mr. Stapp,

*Resolved*, That Professor Smith of Jeffersonville, in this State, have the use of the Hall of the House of Representatives, on the night of Wednesday, the 3d inst., for the purpose of delivering an introductory lecture on Phrenology, Animal Magnetism, and Geology.

Mr. Carr moved to adjourn,

Which was not adopted.

Mr. McDonald moved to reconsider the vote just taken on his resolution in relation to the subscription for newspapers by the House;

Which motion was decided in the negative.

Mr. Hazelrigg, offered the following resolution:

*Resolved*, That the Door-keeper furnish this House with five thousand copies of the Governor's Message, for the use of the members.

The ayes and noes being demanded by Messrs. McDonald and Shanks,

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron, Carr, Carter, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Coon, Cornelius, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Harvey, Hazelrigg, Henry, Henton, Herron, Hill, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Lemmonds, Lewis, McDonald, McRae, Meeker, Mickle, Monroe, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Powers, Riley, Rippey, Robinson, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Stanfield, Stapp, Stewart, Tedford, Thompson, Tomlinson, Turner, Vandever, Watt, Webb, Webber, Wilson of Marion, Wilson of Sullivan, Wise, and Mr. Speaker—51.

*Those who voted in the negative are,*

Messrs. Burns, Ford, Hall of Warren, Hinchman, Leyman, Legg, Logan, Lowe, McCormack, Pennington, Porter, Rousseau, Taber, Wiley, and Wilson of Noble—15.

So said resolution was adopted.

Mr. Lemmonds offered the following resolution:

*Resolved*, That one thousand copies of the Governor's Message be printed in the German language, to be included in, and made a part of the five thousand copies heretofore ordered to be printed.

Mr. Stapp moved to amend, by adding five hundred copies in French;

Which was not adopted.

The question then being on the adoption of the resolution, it was decided in the affirmative.

On motion by Mr. Mickle,

The House adjourned until to-morrow morning, at 9 o'clock.

WEDNESDAY MORNING, DECEMBER 3, 1845.

House met pursuant to adjournment.

Mr. Carnan appeared ; produced his credentials, was sworn into office by the Speaker, and took his seat.

Mr. Hazelrigg, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the resolution of the House, relative to the adoption of rules for its government at the present session, together with the amendments, have had that matter under consideration, and directed me to report that they would recommend the adoption of the rules which were in force at the last session for the government of the House at its present session, with the following amendments :

1st. Strike out from the first rule the following words—"on the preceding day ;" they think this amendment necessary in order to point out more specifically the duty of the Speaker at the assembling of the House in the afternoon.

2d. Amend the 20th rule by commencing it with the following words—"After the vote is taken : " the committee think this amendment necessary, for the purpose of the better securing the right of the members to vote, as the rule as it now stands prohibits them from voting unless by unanimous consent of the House, if he is not in the House when the question is put, no matter how well he may be prepared to vote, and may be in the House when his name is called ; yet by the rule as it now stands, he can not vote.

3d. Amend the 31st rule by striking out all after the words "House : " this amendment is thought necessary, to render the rule less objectionable and more in accordance with the rules as laid down by parliamentary writers, and it will not permit any proposition to be divided, the sense of which is not susceptible of it.

4th. Strike out the 34th rule. The committee think that the House may, under the general principles of parliamentary proceedings, prevent any unnecessary consumption of time by the reading of long and irrelevant papers, while the rule might prevent papers from being read which members have an undoubted right to hear before they could or ought to be required to vote, for there are some papers which "nobody can oppose the reading of."

5th. Add to the 44th rule the following—"which commitment shall place the bill in the same stage as are bills committed from a second reading ;" as the 46th rule prohibits an amendment by way of



'rider,' the committee think this addition necessary in order to enable the House to amend the bill so as to make it acceptable to a majority of the House, should the committee to whom it is referred report it back to the House in an objectionable form.

6th. Strike out all after the word "present," when it occurs the first time in the 53d rule; the latter clause being merely a repetition in substance of the first, but from its phraseology, calculated to produce confusion.

Your committee is unable to see any good reason for dispensing with the committee on Federal Relations, as there are papers presented annually from other States for the consideration of the General Assembly which are always of importance and most generally relate to either the rights or duties of the States towards each other in their federal character; and the committee are of opinion, that we have no standing committee to which such papers could with as much propriety be referred as to the committee on Federal Relations. To be sure it may be said, that such papers might be referred to a select committee, and the same might with equal propriety be said of all other papers and subjects that come before the House, and thus dispense with the necessity of all the standing committees. Should there be no business which could properly be referred to that committee, the simple fact of having such a committee will work no inconvenience; while on the other hand should there be, the committee will already be organized.

Your committee would recommend the adoption of the joint rules which are in force for the government of the General Assembly at its last session for its government at the present, and ask to be discharged from its further consideration.

Mr. Secrest moved to amend the report by striking out the standing committee on Federal Relations.

Mr. Carr moved to lay the amendment on the table;

Which was adopted.

On motion by Mr. Seawright,

*Resolved*, That the Door-keeper be authorized to furnish each member of this House with one copy of the rules and joint rules of the last General Assembly.

Mr. Secrest moved that the rules and joint rules of the last House, except the standing committee on Federal Relations, be enforced for the government of this House during the present session.

Which was adopted.

The Speaker announced the following order of business for the government of this House during the present session.

## ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, memorials, and remonstrances.
- III. Reports from standing committees.
  - 1st. On Elections.
  - 2d. On Ways and Means.
  - 3d. On the Judiciary.
  - 4th. On Education.
  - 5th. On Military Affairs.
  - 6th. On the Affairs of the State Prison.
  - 7th. On the Affairs of the town of Indianapolis.
  - 8th. On Claims.
  - 9th. On Roads.
  - 10th. On Canals and Internal Improvements.
  - 11th. On Agriculture.
  - 12th. On Corporations.
  - 13th. On State Bank.
  - 14th. On Public Expenditures.
- IV. Reports from Joint Standing Committees.
  - 1st. On Public Buildings.
  - 2d. On the Canal Fund.
  - 3d. On the State Library.
- V. Reports from Select Committees.
- VI. Resolutions of the House.
- VII. Joint Resolutions.
- VIII. Bills.
- IX. Orders of the day.

And, on motion,

One hundred and fifty copies were ordered to be printed.

The Speaker, appointed the following standing committees to-wit:

## STANDING COMMITTEES.

## 1. ON ELECTIONS.

Messrs. Crookshank, Clements, Watts, Rousseau, Davis, McRae, and Burns.

## 2. ON WAYS AND MEANS.

Messrs. Secrest, Vandevveer, Carter, Thompson, Cox, Carr, and Stanfield.

### 3. ON THE JUDICIARY.

Messrs. McDonald, Osborn of Laporte, Lowe, Porter, Sleeth, Hall of Gibson, and Riley.

### 4. ON EDUCATION.

Messrs. Shanks, Leyman, Seawright, Hazelrigg, Ferguson, Nofsinger, and Carnan.

### 5. ON THE STATE BANK.

Messrs. Stapp, Lanius, Pennington, Mickle, Webb, Cookerly, and Bowman.

### 6. ON MILITARY AFFAIRS.

Messrs. Fuller, Monroe, Hill, Logan, Blackwell, Rippey, and Ruby.

### 7. ON THE STATE PRISON.

Messrs. Mooney, Ferguson, Brumfield, Wilson of Sullivan, Chambers, Meeker, and Endecott.

### 8. ON THE TOWN OF INDIANAPOLIS.

Messrs. Webber, Conduit, Morrow, McCormack, Wise, Taber, and Ellis.

### 9. ON CLAIMS.

Messrs. Moore, Powers, Stewart, Cornelius, Wiley, Lemmonds, and Tomlinson.

### 10. ON ROADS.

Messrs. Vandever, Slater, Edwards, Jones, Henry, Osborn of Sullivan, and Smith.

### 11. ON CANALS, &c.

Messrs. Dowling, Nofsinger, Rousseau, Logan, Baker, Shanks, and Clymer.



## 12. ON AGRICULTURE.

Messrs. Nelson, Legg, Jackson, Henton, Taber, Hall of Warren, and Dole.

## 13. ON CORPORATIONS.

Messrs. Carr, Turner, Parker, Lewis, Coon, Robinson, and McDonald.

## 14. ON ENROLLED BILLS.

Messrs. Tedford, Cameron, Herron, and Harvey.

## 15. ON ENGROSSED BILLS.

Messrs. Osborn of Laporte, Stanfield, Kimberlin, and Huff.

## 16. ON PUBLIC EXPENDITURES.

Messrs. Kimberlin, Kerr, Hinchman, Hazlerigg, Yocum, Arnold, and Wilson of Lagrange.

---

 JOINT COMMITTEES.

## 1. ON PUBLIC BUILDINGS.

Messrs. Wilson of Marion, Osborn of Sullivan, and Coffin.

## 2. ON CANAL FUND.

Messrs. Ford, Arnold, and Scott.

## 3. ON THE STATE LIBRARY.

Messrs. Snook, Julian, and Burns.

On motion by Mr. Shanks,  
One hundred and fifty copies were ordered to be printed.

On motion by Mr. Clymer:

*Resolved*, That the Speaker appoint a select committee composed of one member from each Judicial Circuit, to report a bill districting the State into Senatorial and Representative districts, according to the number of polls as taken by the assessors of the respective counties for the year eighteen hundred and forty-five.

The Speaker laid before the House a communication from the Auditor of State, in relation to the number of the resident white male inhabitants over the age of twenty-one years in the several counties in this State.

Mr. Pennington moved to lay on the table, and print three hundred copies.

Which motion prevailed.

On motion by Mr. Mickle,

*Resolved*, That the House will, the Senate concurring therein, proceed to-morrow, at half past ten o'clock, to the election of judges in the fourth, tenth, and eleventh Judicial Circuits.

Mr. Vandever, offered the following resolution:

*Resolved*, That the committee on the Judiciary, be instructed to report a bill at the earliest possible moment, reducing the number of Senators to thirty, and the House to sixty.

Mr. Fuller moved to amend so as to instruct the committee to enquire into the expediency,

Which was adopted.

The question then recurring on the resolution, it was decided in the affirmative.

On motion by Mr. Vandever,

*Resolved*, That Abram Hupp be allowed nine dollars for three days service in preparing the State House, and assisting in organizing the House at its present session.

Mr. Moore introduced joint resolution

No. 1. "A joint resolution reviving in part an act therein named."

Which was read a first and second times, the rules being suspended therefor.

Mr. McDonald moved to refer to a select committee of five.

Mr. Stapp moved to lay on the table;

Which was adopted.

On motion by Mr. Sleeth,

*Resolved*, That the Senate be invited to attend, instanter, in the Hall of the House of Representatives to hear the prayer of the Rev. Wm. V. Daniels, and that seats be prepared on the right of the Speaker's chair.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate came in from their chamber and took their seats on the right of the Speaker's chair, when the Rev. Wm. V. Daniel came

in, attended by the joint committee appointed for that purpose, and addressed the Throne of Grace with solemn prayer.

The Senate then returned to their chamber.

The Speaker laid before to House the annual report of the State Librarian.

Mr. McDonald moved to lay on the table and print three hundred copies;

Which motion prevailed.

On motion by Mr. Riley,

*Resolved*, That the Governor's message be referred to a committee of the whole, and made the special order of the day for Friday next, at two o'clock, P. M.

Mr. Hall of Gibson, introduced a memorial from James Brown and John Arbuthnot, and about 1,100 others, citizens of Gibson county, in relation to the landholders of the Seminary township of said county;

Which was referred to a select committee consisting of Messrs. Hall of Gibson, Lemmonds, Baker, Lowe, Stapp, Moore, and Cameron.

Mr. Stapp moved to take from the table joint resolution No. 1. reviving in part, a certain act therein named;

Which was adopted; and,

On motion,

Said joint resolution was referred to a select committee of Messrs. McDonald, Pennington, Vandever, Carr, and Moore.

Mr. Carr moved the following instructions to the committee on elections:

That so much of an act entitled "An act providing for the election of United States Senator and other officers, by a *viva voce* vote of the Legislature," approved February 3d, 1837, as relates to the election of United States Senator, be and the same is hereby revived and declared to be in full force:

*And be it further resolved*, That the joint resolution reviving in part a certain act therein named, approved December 24th, 1844, be and the same is hereby repealed.

This joint resolution to be in force from and after its passage.

Mr. McDonald moved that it lay on the table;

Which was adopted.

Mr. Osborn of Laporte, presented a petition from sundry citizens of Laporte county in relation to the appraisement of certain mills in said county;

Which was referred to the committee on the judiciary.

Mr. Vandever presented the petition of sundry citizens of Orange county, praying the passage of an act for the relief of the heirs of William Pinnick, deceased;

Which was referred to a select committee of Messrs. Vandever, Huff, Cruikshank, and Osborn of Laporte.

Mr. Osborn of Laporte, presented a petition from sundry citizens

of Laporte county, praying the passage of an act to reduce the appraisement of a certain mill therein named;

Which was referred to the committee on the judiciary.

Mr. Seawright moved the following resolution:

*Resolved*, That this House will go into the election of Sergeant-at-Arms this day at two o'clock;

And the ayes and noes being demanded by Messrs. Conduit and Pennington, on the adoption of said resolution;

*Those who voted in the affirmative are,*

Messrs. Cameron, Carter, Chambers, Clements, Cookerly, Cruikshank, Davis, Dole, Dowling, Endecott, Ferguson, Fuller, Henton, Jones, Kerr, Lanius, Leyman, Lemmonds, McCormack, McDonald, McRae, Monroe, Moore, Osborn of Sullivan, Seawright, Slater, Snook, Stapp, Tedford, Tomlinson, Webb, Webber, Wilson of Marion, Wise, Yocum, and Mr. Speaker—36.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Carnan, Clymer, Coffin, Conduit, Coon, Cornelius, Cox, Edwards, Ellis, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Herron, Hill, Hinchman, Huff, Jackson, Julian, Kimberlin, Legg, Lewis, Logan, Lowe, Meeker, Mickle, Morrow, Nelson, Nofsinger, Osborn of Laporte, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Secrest, Shanks, Sleeth, Smith, Stanfield, Stewart, Taber, Thompson, Turner, Watt, Wiley, Wilson of Noble, and Wilson of Sullivan—61.

So said resolution was not adopted.

Mr. Ford offered the following resolution:

*Resolved*, That the door keeper of the House ex-officio, act as Sergeant-at-arms during the present session, without any perquisites for said additional services required of him as Sergeant-at-arms.

Which was not adopted.

On motion by Mr. Stapp,

*Resolved*, That a committee of one from each judicial circuit in the State be appointed to take into their consideration the expediency of reporting a bill for a uniform mode of doing county business within this State.

Which was adopted.

Mr. Clements offered the following resolution:

*Resolved*, That a select committee, to consist of one member from each county along and adjoining the line of canal from Terre Haute to Evansville, be appointed by the chair, whose duty it shall be to consider and report upon all things necessary, and pertaining to the future operations upon said canal, as well as the manner in which

the lands donated by the government of the United States shall be appropriated and expended upon said canal.

Mr. Dole moved to lay it upon the table.

Which motion was adopted.

On motion by Mr. Cox,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of appointing a reporter to report the decisions of the Supreme Court of the State of Indiana, at as early a date as possible after the decisions are made.

Which was adopted.

Mr. Davis offered the following resolution:

*Resolved*, That this House will not go into the election of Sergeant-at-Arms this session.

Mr. Baker moved that the resolution be laid on the table.

Which motion prevailed.

Mr. Baker presented a petition from sundry citizens of Vanderburgh county praying the passage of an act regulating the assessment of property for taxation.

Which was referred to the committee of ways and means.

Mr. Edwards introduced a bill to legalize the acts of James Batman, a justice of the peace for Bono township, Lawrence county,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Stapp introduced a bill to secure an efficient and economical organization of the General Assembly.

Which was read a first and second time, (the rules being suspended,) and referred to the committee on the State Library.

Mr. Osborn of Laporte, introduced a bill for the relief of David Stoner and others.

Which was read a first and second time, (the rules being suspended,) and referred to the committee on the judiciary.

On motion by Mr. McDonald,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the revised code of 1843 as prevents aliens from conveying lands, and report by bill or otherwise.

Mr. Vandever introduced the petition of Daniel Dayhuff of Orange county, asking relief in relation to certain lands which he had bought of the Superintendent of the loan office.

Which was read and referred to a select committee consisting of Messrs. Vandever, Clements and Hazelrigg.

Mr. Hall of Gibson, introduced a bill declaratory of the meaning of the 29th section of the 1st article of the 45th chapter of the Revised Statutes of 1843.

Which was read a first and second time, (the rules being suspended,) and referred to the committee on the judiciary.

On motion by Mr. Secrest,

*Resolved*, That the Auditor of State be directed to call upon



the several county treasurers in this State, by circular letter, requiring each of them to report, at the earliest practicable moment, to said Auditor,

First. The amount of cash, (embracing bank bills,) received for State taxes during the current financial year up to the time of making such report.

Second. The amount of treasury notes or scrip received for State taxes by each of such treasurers during the same period.

Also an estimate of the probable amount of treasury notes or scrip which may be received by each of said treasurers to the close of the financial year.

And that said Auditor be directed to lay such information, when obtained, before this House.

On motion by Mr. Carr,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of authorizing the several circuit and associate judges in this State to punish persons for contempt of court while acting as a court of inquiry, with leave to report by bill or otherwise.

Mr. Baker presented a petition from Silas Stephens and others, officers of Vanderburgh county, praying the passage of an act for the relief of Lewis Stinsor and others;

Which was read and referred to a select committee consisting of Messrs. Baker, Hall of Gibson, and Fuller.

On motion by Mr. Sleeth,

*Resolved*, That so much of the Governor's message as relates to the extension of the jurisdiction of justices of the peace of this State, be referred to the committee on the judiciary, and that they report by bill or otherwise.

Mr. Hall of Gibson, introduced bill

No. 6. A bill in relation to the Seminary township of Gibson county;

Which was read a first and second times, the rules being suspended,

And referred to a select committee consisting of Messrs. Hall of Gibson, Lemmonds, Baker, Lowe, Stapp, Moore, and Cameron.

On motion by Mr. Leyman,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of having a prosecuting attorney for each county, and report by bill or otherwise.

On motion by Mr. Stewart,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the 4th section of the 47th chapter of the Revised Statutes as to make debts collectable in the townships in which they may be contracted.

Mr. Robinson introduced a petition from sundry citizens of Decatur county praying the passage of an act to change the jury laws of said county;

Which was read and referred to the committee on the judiciary.

On motion by Mr. Henry,

*Resolved*, That the committee on the judiciary be instructed to report whether any and what reduction should be made in the salaries and fees of the various officers of the State, including the Executive, Legislative, and Judiciary departments thereof, and more especially, as to the fees of clerks of the circuit court, sheriffs, coroners, county treasurers, auditors, school commissioners, and recorders. And, also, whether the fees of witnesses and jurors should not be raised, and the said committee report thereon by bill or otherwise.

Mr. Stanfield offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of repealing all appraisement or valuation laws now in force upon all contracts heretofore made, and that they report by bill or otherwise;

And the ayes and noes being called on the passage of the resolution by Messrs. Stanfield and McDonald;

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron, Carr, Carter, Chambers, Clements, Clymer, Coffin, Cornelius, Cox, Davis, Dowling, Ellis, Ferguson, Hazelrigg, Henry, Henton, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Legg, Lewis, McCormack, McDonald, McRae, Meeker, Monroe, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Pennington, Porter, Powers, Rippey, Robinson, Ruby, Secrest, Shanks, Sleeth, Snook, Stanfield, Stapp, Stewart, Tedford, Thompson, Watt, Wiley, Wilson of Noble, Wise, and Mr. Speaker—59.

*Those who voted in the negative are,*

Messrs. Burns, Carnan, Conduit, Cookerly, Coon, Cruikshank, Dole, Edwards, Endecott, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Herron, Kimberlin, Lanius, Leyman, Lemmonds, Logan, Lowe, Mickle, Moore, Morrow, Parker, Riley, Rousseau, Seawright, Slater, Smith, Taber, Tomlinson, Turner, Webb, Webber, Wilson of Marion, Wilson of Sullivan, and Yocum—38.

So said resolution was adopted.

Mr. Meeker offered the following resolution:

*Resolved*, That this House will, the Senate concurring therein, go into the election of United States Senator on Monday next, at two o'clock, P. M. on said day.

Mr. Monroe moved to lay it on the table.

Messrs. Clements and Leyman demanded the ayes and noes;



*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Cameron, Carr, Fuller, Henton, Leyman, Legg, Lemmonds, McCormack, McDonald, Mickle, Moore, Parker, Riley, Rousseau, Shanks, Sleeth, Taber, Tedford, Turner, Vandever, Webber, Wilson of Marion, and Mr. Speaker—25.

*Those who voted in the negative are,*

Messrs. Blackwell, Brumfield, Burns, Carnan, Carter, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Herron, Hill, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Lewis, Logan, Lowe, McRae, Meeker, Morrow, Nelson, Osborn of Sullivan, Pennington, Porter, Powers, Rippey, Robinson, Ruby, Seawright, Secrest, Slater, Smith, Snook, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Watt, Webb, Wiley, Wilson of Noble, Wilson of Sullivan, Wise, and Yocum—67.

So the motion to lay on the table was not adopted.

Mr. Cookerly moved to adjourn till two o'clock;

Which was consented to.

*2 o'clock, P. M.*

The House met.

Mr. Arnold moved to amend the resolution by striking out Saturday and inserting Friday next;

And the ayes and noes being demanded by Messrs. Logan and Clymer;

*Those who voted in the affirmative are,*

Messrs. Bowman, Carr, Cruikshank, Henton, Leyman, McCormack, Moore, Riley, Taber, Tedford, Vandever, Webber, and Wilson of Marion—13.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Burns, Cameron, Carnan, Chambers, Clements, Clymer, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson,

Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Legg, Lemmonds, Lewis, Logan, Lowe, McDonald, McRae, Meeker, Mickle, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Rippey, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Snook, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Turner, Watt, Webb, Wiley, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—82.

So said amendment was not adopted.

Mr. McDonald moved further to amend by striking out the word "Monday" and insert "Saturday."

Mr. Vandever moved to lay the amendment and resolution on the table;

And the ayes and noes being demanded by Messrs. Shanks and Rousseau;

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Bowman, Carr, Carter, Coon, Cruikshank, Ellis, Fuller, Hall of Gibson, Henton, Leyman, Lemmonds, McCormack, McDonald, Mickle, Monroe, Moore, Parker, Riley, Shanks, Taber, Tedford, Vandever, Webber, and Wilson of Marion—26.

*Those who voted in the negative are,*

Messrs. Blackwell, Brumfield, Burns, Cameron, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Endecott, Ferguson, Ford, Hall of Warren, Harvey, Hazelrigg, Henry, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Legg, Lewis, Logan, Lowe, McRae, Meeker, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Pennington, Porter, Powers, Rippey, Robinson, Rousseau, Ruby, Seawright, Secrest, Slater, Sleeth, Smith, Snook, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Turner, Watt, Webb, Wiley, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—72.

So said motion did not prevail.

The question then recurring on the amendment of Mr. McDonald;

It was not adopted.

Mr. Baker moved to postpone the further consideration of the resolution until Friday next, at ten o'clock.

Mr. Hazelrigg called the previous question,

Which was seconded by the House.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

“Shall the resolution be adopted?”

Messrs. Fuller and Conduit demanded the ayes and noes;

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Brumfield, Burns, Cameron, Carr, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Legg, Lemmonds, Lewis, Logan, Lowe, McRae, Meeker, Moore, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Snook, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—84.

*Those who voted in the negative are,*

Messrs. Baker, Carter, Coon, Cruikshank, Fuller, Henton, Leyman, McCormack, McDonald, Mickle, Monroe, Taber, Tedford, and Wilson of Marion—14.

So said resolution was adopted.

On motion by Mr. Vandever,

*Resolved*, That so much of the Governor's message as relates to the Deaf and Dumb Asylum be referred to the committee on education.

On motion by Mr. Mickle,

*Resolved*, That the committee on the judiciary be instructed to enquire whether the Legislature has power to incorporate a company to make a slack water navigation with power to enforce the collection of tolls on a stream whose bed or channel has not been surveyed and sold as lands belonging to the United States.

Mr. Secrest offered the following resolution:

WHEREAS, At the late election for Representatives to this General Assembly, in the representative district composed of the counties of Dearborn and Ohio, it appears by undisputed official returns that James H. Lane, Esq., received 1555 votes, and that William Lanius, Esq., received only 1441 votes,

AND WHEREAS, The qualifications of members of this House are defined and unalterably fixed by the Constitution of this State, and are not subject to any restrictions or change by legislative enactment,

AND WHEREAS, Those qualifications, so far as concerns residence, are merely that the Representative shall reside within his respective district,

AND WHEREAS, The Legislature have no power to provide by law in contravention of the provisions of said Constitution, that such member shall reside in any particular portion of such Representative district, whether composed of one or more counties, or to render ineligible to such office any man, merely because he resides in one part of such district.

AND WHEREAS, It appears by the returns aforesaid, that the said Lane, in said election, received a majority of 114 legal votes over the said Lanius, Therefore,

*Resolved*, That the said James H. Lane is entitled, and be admitted to a seat in this House, as a member thereof, to the exclusion of said William Lanius.

And moved to refer it to the committee of the whole House, and make it the special order of the day for to-morrow at two o'clock.

Mr. McDonald moved to change the reference from the committee of the whole to the committee on elections.

Which was adopted.

Mr. Leyman introduced a petition from sundry citizens of Tippecanoe county praying the passage of a law in relation to partnership fences.

Which was read and referred to the committee on agriculture.

On motion by Mr. McDonald,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing so much of the Revised Code of 1843 as requires a marriage license from the clerks of the circuit courts previous to the marriage.

On motion by Mr. Porter,

*Resolved*, That the judiciary committee be required to enquire into the expediency of so amending the execution law as to require that executions shall be made returnable within one hundred and twenty days from the date of their issuing; and to report thereon by bill or otherwise.

Mr. Sleeth offered the following resolution:

*Resolved*, That this House will, (the Senate concurring therein,) adjourn *sine die* on the 25th day of December instant; which,

On motion by Mr. Shanks,

Was laid on the table.

On motion by Mr. Conduit,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the revenue laws as to abolish the offices of county collector and county assessor and substituting instead an officer or officers in each township, upon whom the duties of assessing and collecting for their respective townships shall devolve.

Mr. Riley offered the following resolution:

*Resolved*, That the committee on elections be instructed to report in the case of the contested elections of William Lanius and James H. Lane, within a period not longer than Friday next at ten o'clock, A. M.

Which was adopted.

On motion by Mr. Secrest,

James H. Lane, one of the parties to the contested election of Dearborn county, was permitted to be and remain within the bar of the Hall until said contest was decided.

Mr. Smith offered the following resolution:

*Resolved*, That a select committee of five be appointed by the Speaker to enquire into the expediency of embodying in one bill the fees of all county officers, and that they report by bill or otherwise.

Which was adopted, and referred to a committee consisting of Messrs. Smith, Taber, Sleeth, Ellis and Herron.

On motion by Mr. Hall of Gibson,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of providing by law for a re-valuation of the real and personal property in this State, for the purpose of making a grand levy for State revenue.

On motion by Mr. Shanks,

The House adjourned till to-morrow morning, 9 o'clock.

## THURSDAY MORNING, DECEMBER 4, 1845.

House met pursuant to adjournment.

Mr. Shanks moved to reconsider the vote on the resolution adopted on yesterday in relation to going into the election of United States Senator, on Monday next, at 2 o'clock, P. M.

The Speaker decided the motion not in order.

Mr. Moore moved a call of the House.

Mr. Shanks then withdrew his previous motion.

The Speaker announced the following as the select committee on the resolution of Mr. Clymer, which was adopted on yesterday, on the subject of the apportionment of Senators and Representatives in this State:

Messrs. Clymer, Taber, Hall of Gibson, Pennington, Mickle, Burns, Stewart, Webb, Nofsinger, Ford, Edwards, and Hall of Warren.

And also the committee on the resolution of Mr. Stapp adopted on yesterday, on the expediency of reporting a bill for a uniform



mode of doing county business within the State, which consists of Messrs. Stapp, Mooney, Huff, Leyman, Henry, Watt, Carnan, Lowe, Osborn of Laporte, Jackson, Smith, and Powers.

The Speaker laid before the House reports from the following branches of the State Bank of Indiana, viz:

The branches at South Bend, Bedford, Michigan City, New Albany, Madison, Evansville, Vincennes, Lafayette, Terre Haute, and Richmond.

Mr. Stapp moved that they be referred to the committee on the State Bank.

Which was adopted.

Mr. Clymer introduced a petition from Elkhart county, praying the passage of an act in relation to the appraisement laws;

Which was read and referred to the committee on the judiciary.

Mr. Pennington introduced a petition from sundry citizens of Harrison county, praying the passage of a special act to form certain sections of land therein named into a school district;

Which was read and referred to the committee on education.

Mr. Hall of Gibson presented the proceedings of a meeting held at Tichenor's school house, in Gibson county, in relation to the seminary township in said county;

Which was referred to the committee appointed on yesterday on the memorial and bill presented from sundry citizens of Gibson county, in relation to the seminary township of said county.

Mr. Shanks presented a memorial from sundry citizens of Washington county, praying the passage of an act to legalize the proceedings of the school commissioner of said county:

Which was referred to a select committee of Messrs. Shanks, Mooney, and Vandever.

Mr. Davis presented the petition of sundry citizens of Scott county, praying the passage of an act for the relief of Peter Everheart, and Hezekiah Mitchell;

Which was read and referred to a select committee, consisting of Messrs. Davis, Chambers, and Wise.

Mr. Arnold presented the petition of Ransen Gabbart of Bartholomew county, asking a divorce from his wife, Eliza Jane Gabbart;

Which was read and referred to a select committee, consisting of Messrs. Arnold, Hill, and Lowe.

Mr. Shanks moved to reconsider the vote taken on laying on the table the resolution passed yesterday, in relation to going into the election of United States Senator.

On the passage of the motion,

Messrs. Logan and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Burns, Carr, Carter, Chambers, Clymer, Coon, Cruikshank, Davis, Ellis, Endecott, Fuller, Henton, Her-



ron, Jackson, Jones, Kimberlin, Lanius, Leyman, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Mooney, Moore, Nelson, Nofsinger, Osborn of Sullivan, Power, Riley, Rippey, Seawright, Secrest, Shanks, Slater, Sleeth, Snook, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—53.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Clements Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Edwards, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Huff, Julian, Kerr, Legg, Lewis, McRae, Meeker, Morrow, Osborn of Laporte, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Smith, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise—45.

So said motion was reconsidered.

Mr. Shanks moved to amend as follows:

Strike out "Monday, at 2 o'clock, P. M." and insert Saturday, at 10 o'clock, A. M. ;

Which amendment was adopted.

The question then being,

Shall the resolution be adopted ?

It was decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Gorman, their Principal Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have reciprocated the resolution of the House, fixing the time of going into the election of President Judges of the 4th, 10th and 11th judicial circuits.

Mr. Stapp offered the following resolution :

*Resolved*, That Professor Smith have the use of the House of Representatives, *on evenings*, for a course of lectures on phrenology, human magnetism, and geology, whenever it is not otherwise used by the House, or on its special order ;

Which was laid on the table.

On motion by Mr. Moore,

*Resolved*, That the judiciary committee inquire if there be any further action of the Legislature necessary in relation to clerks of the circuit court, doing the business of county auditors. That is, whether in executing deeds for school lands, and lands sold for taxes, they should not be executed in the name of the clerk of the

circuit court, and not as county auditor, and report by bill or otherwise.

On motion by Mr. Cookerly,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the law relative to the selection of jurors, by giving the right of selection to the trustees of the different townships, with leave to report by bill or otherwise.

On motion by Mr. Osborn of Laporte,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of reporting a law providing that after the return of an execution "no property" that it shall be lawful for the execution creditor or creditors, or their legal representatives, to cause a summons of garnishee to be issued out of the proper court against the debtor or debtors of such execution debtor, and also a summons against such execution debtor.

On motion by Mr. Hazelrigg,

*Resolved*, That when any member presents a petition, memorial, or resolution, and it is referred to a standing committee, the person presenting it shall be a member of the committee, while that subject is under consideration.

Mr. Taber introduced joint resolution No. 7, instructing our Senators and requesting our Representatives in Congress to procure the passage of a law for the relief of pre-emption settlers in the Miami reservation;

Which was read a first time, and passed to a second reading.

Mr. Hall of Gibson, introduced a bill to regulate actions brought by corporations, and for other purposes;

Which was read a first and second time, the rules being suspended therefor, and referred to the committee on the judiciary.

Mr. Parker introduced a bill changing the time of holding the probate court in Allen county;

Which was read a first and second time, and referred to the committee on the judiciary.

Mr. Baker introduced a bill supplemental to the twelfth article of the fortieth chapter of the Revised Laws of 1843;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on the judiciary.

Mr. Baker introduced a bill regulating the tenure of county treasurer, hereafter to be elected;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on ways and means.

On motion by Mr. Vandever,

*Resolved*, That the president of the State Bank be requested to report to this House as soon as practicable, what number of the branches of the State Bank have divided six per cent. on the capital stock, and what branches have not realized that amount; and if any have failed to divide six per cent. by what means has the interest on the bank loan been paid.

On motion by Mr. Hazelrigg,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives instanter, to go into the election of circuit judges, and that seats be provided for them on the right of the Speaker's chair.

The Senate came in from their Chamber and took their seats on the right of the Speaker's chair, when both Houses as a convention, proceeded by joint ballot to the election of president judge of the fourth judicial circuit.

On counting the votes,

James Lockhart received,	-	-	-	-	85 votes.
John Pitcher received,	-	-	-	-	63 votes.

James Lockhart having received a majority of the whole number of votes given, was, by the president of the convention declared duly elected president judge of the fourth judicial circuit for the term of seven years, from and after the expiration of the term of the present incumbent.

The convention then proceeded to the election of president judge in the tenth judicial circuit.

On counting the votes,

David McDonald received,	-	-	-	-	125 votes.
James Hughes received,	-	-	-	-	2 votes.
Blank,	-	-	-	-	21 votes.

David McDonald having received a majority of the whole number of votes given, was by the president of the convention declared duly elected president judge of the tenth judicial circuit, for the term of seven years, from and after the expiration of his present term of service.

The convention then proceeded to the election of president judge for the eleventh judicial circuit.

On counting the votes,

Jeremiah Smith received,	-	-	-	-	75 votes.
David Kilgore, received,	-	-	-	-	71 votes.
Scattering,	-	-	-	-	1 vote.

Jeremiah Smith having received a majority of the whole number of votes given, was by the president of the convention, declared duly elected president judge of the eleventh judicial circuit for the term of seven years from and after the expiration of the term of the present incumbent.

The president declared the convention adjourned *sine die*.

The Senate then retired to their chamber.

Mr. Sleeth moved to adjourn until 2 o'clock, P. M.,

Which was adopted.

2 o'clock, P. M.

The House met.

On motion by Mr. Edwards,

Bill No. 2, was read a second time, and referred to the committee on the judiciary.

The Speaker laid before the House the following communication from his Excellency, the Governor.

EXECUTIVE DEPARTMENT, }  
December 4, 1845. }

*To the House of Representatives:*

John B. Powers, Esq., is authorized to make communications from the Executive Department, to the House of Representatives.

JAS. WHITCOMB.

The Speaker laid before the House the following communication.

*To the Honorable the General Assembly*

*of the State of Indiana:*

The undersigned respectfully submits to the consideration of your Honorable body, the following proposition, for a lease of the Penitentiary, and the convict labor thereof for a term of ten years from the expiration of the term of the present Superintendents. For which, he proposes to pay the sum of eighty thousand dollars in ten equal instalments, and pay all and every expense in its management, and provide the convicts with weekly religious instruction.

He proposes to employ the labor of the convicts in the manufacture of cotton, hemp, iron, and such other manufactures as will not conflict or come in competition with the mechanical interests of the State. Also, to employ them within the walls of the New Prison, reserving the privilege of hauling materials and manufactures to and from the Prison, and making such wares and necessities as may be required for the use of the Prison and convicts.

He will execute a bond with ample and sufficient security for the faithful performance of his contract within ten days after the acceptance of this proposition.

In making this proposition he will require on the part of the State, or of his successor, to take such machinery and such other articles as are in use in the Prison, at such valuation as may be determined by three disinterested persons.

That the State may know at all times the true condition of the management and discipline of the Prison, and of the treatment of the convicts, he proposes further to pay the salary of three visitors, each at the salary of the present visiter, to be appointed by the State,

to make at any and all times free examination into the management, discipline, and police of the institution.

It is a part of this proposition, in the government and general discipline of the Prison, to be governed by such laws and rules as the Legislature may adopt.

SIMON BOTTORFF.

JEFFERSONVILLE, Dec. 1, 1845.

Which was,

On motion by Mr. McDonald,

Referred to the committee on the judiciary.

Mr. Cookerly moved to reconsider the vote taken on Tuesday, on the resolution of Mr. McDonald in relation to taking the newspapers by the House;

Which was decided in the affirmative.

The question then being,

Shall the resolution pass?

Mr. Lemmonds moved to amend as follows:

*Resolved*, That the members of this House, at the expense of the State, be authorized to contract with the different editors of newspapers of the place for three daily papers, so the amount does not exceed six dollars.

Mr. Seawright offered the following amendment to the amendment:

*Resolved*, To amend the amendment, so as to read three dollars in place of six.

Mr. Lemmonds then withdrew his amendment.

Mr. Carr moved to indefinitely postpone the whole matter.

And the ayes and noes being demanded by Messrs. Carr and McDonald,

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Chambers, Clymer, Coffin, Conduit, Coon, Cornelius, Cox, Cruikshank, Ellis, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henton, Hill, Hinchman, Huff, Jackson, Jones, Kerr, Kimberlin, Lanius, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McRae, Meeker, Mickle, Moore, Morrow, Nofsinger, Osborn of Laporte, Parker, Pennington, Porter, Rippey, Rousseau, Ruby, Seawright, Secrest, Slater, Smith, Stapp, Taber, Turner, Webb, Wiley, Wilson of Noble, and Wise—59.

*Those who voted in the negative are,*

Messrs. Cameron, Carnan, Carter, Clements, Cookerly, Davis, Dole, Dowling, Edwards, Endecott, Ferguson, Ford, Fuller, Herron, Julian, Leyman, McDonald, Mooney, Nelson, Osborn of Sullivan, Powers, Riley, Robinson, Shanks, Sleeth, Snook, Stanfield, Stewart,



Tedford, Thompson, Tomlinson, Vandever, Watt, Webber, Wilson of Marion, Wilson of Sullivan, Yocum, and Mr. Speaker—38.

So said motion was adopted.

Mr. Hazelrigg offered the following resolution :

*Resolved*, That the door-keeper contract with the editor of the Indiana State Journal for two hundred copies of his daily paper for the use of the members of this House, at a price not exceeding one dollar per copy ; and with the editors of the Indiana State Sentinel, for one hundred copies of their daily paper for the same use, and at not exceeding the same price ; and with the editors of the Indiana Democrat, for one hundred copies of their tri-weekly paper, for the use of the House.

Mr. McDonald moved to reject the resolution.

Messrs. Moore and McDonald called the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Brumfield, Burns, Cameron, Carr, Carter, Chambers, Coffin, Conduit, Coon, Cox, Cruikshank, Davis, Dowling, Ellis, Endecott, Hall of Warren, Harvey, Henry, Hill, Hinchman, Jones, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McDonald, McRae, Meeker, Mickle, Morrow, Nofsinger, Osborn of Laporte, Pennington, Porter, Powers, Rippey, Rousseau, Ruby, Seawright, Secrest, Shanks, Smith, Stapp, Taber, Tedford, Thompson, Turner, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Wise—61.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Carnan, Clements, Clymer, Cookerly, Cornelius, Dole, Edwards, Ferguson, Ford, Fuller, Hall of Gibson, Hazelrigg, Herron, Huff, Jackson, Julian, Mooney, Moore, Nelson, Osborn of Sullivan, Parker, Riley, Robinson, Slater, Sleeth, Snook, Stanfield, Stewart, Tomlinson, Vandever, Watt, Wilson of Sullivan, Yocum, and Mr. Speaker—36.

Which motion prevailed.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives, that the Senate have reciprocated the resolution of the House to go into the election of United States Senator on Saturday next, at 10 o'clock.

On motion by Mr. Cookerly,

*Resolved*, That the Governor be requested to transmit to this House the report of the Visiter of the State Prison as early as possible after the convening of the House to-morrow morning.

On motion by Mr. Taber,

*Resolved*, That a committee of three be appointed by the Speaker to enquire into the expediency of requiring the duties now performed by the Land Officers at Peru, and Delphi, to be performed by one person; and for that purpose, to remove the Land Offices to some central point.

Which was referred to a committee consisting of Messrs. Taber, Henton, and Tedford.

Mr. Clymer introduced a petition of sundry citizens of Elkhart and St. Joseph counties, praying the passage of an act for the appointment of commissioners to lay out a certain road therein named;

Which was read and referred to a select committee, consisting of Messrs. Clymer, Stanfield and Rippey.

Mr. Mickle introduced a petition from sundry citizens of Huntington, Wells, Adams and Jay counties, in relation to constructing a canal, uniting the Miami with the Wabash and Erie canals.

Which was referred to a committee consisting of Messrs. Mickle, Baker and Monroe.

Mr. Carnan introduced a petition from sundry citizens of Knox county praying the passage of an act allowing one Thomas Canice to build a dam at a certain point in Black Creek, in Greene county;

Which was,

On motion,

Referred to a select committee consisting of Messrs. Carnan, Clements, and Wilson of Sullivan.

Mr. Thompson introduced a memorial from James Hay, of Perry county, asking for the passage of a law divorcing him from his wife Catharine Hay;

Which was,

On motion,

Referred to a select committee of Messrs. Thompson, Huff, and McRae.

Mr. Clymer presented a memorial from E. W. H. Ellis, editor of the Goshen Democrat, and others, on the subject of printing the stray list and delinquent list;

Which was,

On motion,

Referred to a select committee of Messrs. Dowling, Clymer, Stewart, Slater, and Hall of Gibson.

Mr. Smith introduced a petition praying the passage of an act for the relief of Joseph Carpenter, of Miami county;

Which was,

On motion,

Referred to a select committee of Messrs. Smith, Taber, and Seawright.

On motion by Mr. Cox,

*Resolved*, That the judiciary committee be instructed to enquire

into the expediency of so amending the 47th section of the 20th article and 38th chapter of the Revised Statutes of 1843, so as to prohibit deputy clerks from practising law in the circuit and probate courts in the county in which they act as deputy.

On motion by Mr. Cookerly,

*Resolved*, That the committee on education be instructed to enquire into the expediency of making tuition in the State University gratis to all, with leave to report by bill or otherwise.

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution, and respectfully ask the concurrence of the House therein:

*Resolved*, That the Joint Rules which were in force for the government of the General Assembly at its last session, be adopted by the Senate, as the rules of joint action for the present session, and that the House of Representatives be informed thereof, and its concurrence therein respectfully requested;

Which was,

On motion,

Concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Tomlinson introduced the petition of Andrew Kennedy, and other citizens of Delaware county, praying for the repeal of a certain act therein named;

Which was,

On motion,

Referred to the committee on the judiciary.

Mr. Cornelius introduced a petition from sundry citizens of Dearborn county, asking for a change in the laws requiring persons to be sued in the townships where they reside;

Which was referred to the committee on the judiciary.

On motion by Mr. Shanks,

The House adjourned till to-morrow morning at 9 o'clock.

## FRIDAY MORNING, DECEMBER 5, 1845.

The House met pursuant to adjournment.

Mr. Dowling introduced a petition from Leonard Crawford, asking the General Assembly to grant him a divorce from his wife Frances Crawford;

Which was,

On motion,

Referred to a select committee consisting of Messrs. Dowling, Wilson of Sullivan, and Secrest.

Mr. McCormack introduced a memorial from Wendell Brown, of Tippecanoe county, praying that viewers may be appointed to change the route of a certain road therein described;

Which was,

On motion,

Referred to a select committee consisting of Messrs. McCormack, Tedford, and Herron.

Mr. Mickle introduced the petition of sundry citizens of Steuben county praying the passage of an act providing for a special session of the Allen circuit court, commencing on the first Monday in January, A. D. 1846, for the trial of one Silas Doty indicted for the murder of one Lorenzo D. Noise in the Steuben circuit court, to which first named court, the said Doty has taken a change of venue;

Which was read and referred to a select committee consisting of Messrs. Mickle, Powers, and Parker.

Mr. Hill introduced a petition from sundry citizens of Jennings and Jefferson counties praying the passage of an act to attach eighty acres of land, in the petition described, to Jennings county for the purposes therein set forth;

Which was referred to a select committee consisting of Messrs. Hill, Chambers, and Davis.

Mr. Riley introduced a petition from sundry citizens of Hancock county praying the Legislature to grant to the citizens of said county a charter authorizing and empowering them to construct a railroad from Greenfield in said county, to a place intersecting the contemplated railroad from Shelbyville to a point on the railroad leading from Madison to Indianapolis;

Which was referred to a select committee consisting of Messrs. Riley, Henry, Sleeth, Vandever, and Webb.

Mr. Mickle introduced a petition from sundry citizens of Adams and Jay counties praying the passage of an act making the State road leading from Portland, Jay county, Indiana, by the way of New Corydon, thence on the line between Jay and Adams counties to the State line in the present survey of said road, a free turnpike road, and for other purposes therein named;

Which was referred to a select committee consisting of Messrs. Mickle, Jackson, and Tomlinson.

Mr. McDonald from a select committee, made the following report:

MR. SPEAKER:

A majority of the select committee to which was referred the joint resolution, reviving a certain act therein named, relative to the election of United States Senator, have had the same under consideration, and directed it to be reported back to the House and recommend its adoption.

Dissenting from the above report, Pennington and McDonald.

Mr. Vandever moved that it be laid on the table;

Which was adopted.

On motion by Mr. Clymer,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a general law for the payment of grand and petit jurors, so that their per diem allowance shall not be less than one dollar, nor more than one dollar and twenty-five cents for each and every day they may be detained in attending the circuit courts.

On motion by Mr. Seawright,

*Resolved*, That the committee on canals and internal improvements be requested to inquire into the expediency of reducing the penalty on a failure to pay for canal lands, with leave to report by bill or otherwise.

On motion by Mr. Tomlinson,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the law, as to make it the duty of the clerks of the circuit courts, to procure a book in which they shall record all transcripts of judgments from justices' dockets, and from circuit court dockets, to bind real estate, and that said committee have leave to report by bill or otherwise.

On motion by Mr. Cox,

*Resolved*, That the committee to whom was referred the memorial of newspaper publishers, upon the subject of advertising, be instructed to enquire into the expediency of requiring all county officers to publish all official advertisements in the newspaper in the county which has the greatest permanent circulation; the circulation to be ascertained by the books and the affidavits of the hands in the office.

On motion by Mr. Wiley,

*Resolved*, That the committee on the judiciary enquire into the expediency of so amending the law respecting recorders' fees, so that the recorder hereafter shall be allowed ten cents for every hun-



dred words for all papers which it may be necessary to record, and that they have leave to report by bill or otherwise.

On motion by Mr. Wiley,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of amending the assessment law so that the lands shall be classed into three classes, and placing a minimum price on each class as wood land. Also, to inquire into the expediency of assessing a road tax on personal property equal to that assessed on real estate, and that they report by bill or otherwise.

The Speaker laid before the House the following communication.

*To the General Assembly of the State of Indiana :*

Your memorialist, Joseph R. Pratt, would respectfully represent to your Honorable body that he is the Superintendent of the State Prison at Jeffersonville.

That his term of service will expire on the 14th day of June next, and that certain malicious charges have been made against him in the public papers and otherwise, affecting his official conduct, accusing him of cruel and inhuman treatment of the convicts.

Believing the motive of those who have given currency to the charge, to be to prejudice your memorialist in the opinion of members of the General Assembly, and thus to forestal his humble pretensions to re-appointment to the respectable station which he now holds, your memorialist deems it his duty, which he owes to himself as an individual, and as an officer of the government, to repel the charge, and all others that might imply a forgetfulness or disregard of official obligation; and would respectfully request of your Honorable body an investigation of the charge.

Very respectfully,

JOS. R. PRATT.

Indianapolis, Dec. 5, 1845.

Which was,

On motion by Mr. Meeker,

Referred to the committee on the State Prison.

Mr. Taber moved to add Messrs. Smith and Rippey to the select committee appointed on the resolution adopted on yesterday, in regard of enquiring into the expediency of requiring the duties now performed by the land offices at Peru and Delphi to be performed by one person;

Which was adopted.

Mr. Ferguson offered the following resolution :

*Resolved*, That Henry F. Smith of Clark county, be permitted to have the use of the Hall upon Tuesday, Thursday and Friday evenings, when it does not interfere with the business of the House, its committees or its special orders, for the purpose of delivering a se-

ries of lectures upon Geology, Phrenology, and Human Magnetism.  
Which was not adopted.

Mr. Taber introduced a bill, entitled

An act to amend an act entitled an act, incorporating the Michigan Road Company;

Which was read a first and second times, the rules being suspended therefor, and referred to a select committee, consisting of Messrs. Taber, Tedford, Seawright, Smith, and Hazelrigg.

Mr. Mooney introduced a bill, entitled

An act relative to the probate courts of Jackson county;

On motion by Mr. Rousseau,

The county of Greene was added thereto; and

On motion by Mr. Pennington,

The county of Harrison was also added to said bill;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on the judiciary.

#### ORDERS OF THE DAY.

No. 7. A joint resolution instructing our Senators and requesting our Representatives, in Congress, to procure the passage of a law for the relief of pre-emption settlers on the Miami Reservation.

Which was read a second time and ordered to be engrossed, and read a third time on to-morrow.

Mr. Pennington moved that the House adjourn;

Which was not adopted.

Mr. Moore introduced a bill to reduce the per diem allowance of the members of the General Assembly of the State of Indiana;

Which was read a first time, and laid over for a second reading on to-morrow.

Mr. Cruikshank, from the committee on elections, asked for further time—until Tuesday next—for making a report on the contested elections of Dearborn and Ohio counties, which report was to have been made on to-day at 10 o'clock, A. M.;

Which was granted by consent.

Mr. Secrest moved to reconsider the leave just granted;

Which was adopted.

Mr. Secrest moved to amend, by inserting to-morrow morning, in place of Tuesday next.

Mr. Rousseau moved to amend the amendment, by striking out "to-morrow morning," and inserting two o'clock this afternoon;

Which, after some debate, he withdrew.

Mr. Vandever then moved that the committee be discharged from the further consideration of the contested election.

On the consideration of this motion,

Mr. Secrest withdrew his previous amendment.

Mr. Vandever then moved that the House resolve itself into a committee of the whole, on the subject of said contested election.

Which was adopted.

The House then resolved itself into a committee of the whole, Mr. Fuller being in the chair; and after some time spent therein, the Speaker resumed the chair, and Mr. Fuller reported, that the committee have, according to order, had the same under consideration, and come to sundry resolutions, in which he asked the concurrence of the House, to-wit:

1st. *Resolved*, That the preamble and resolution heretofore referred to the committee on elections be now adopted by the committee.

2d. The following amendment was had thereto:

“That William Lanius received the greatest number of votes of any candidate living in the county of Ohio.”

And then,

On motion by Mr. Fuller,

The House adjourned until two o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Meeker moved a call of the House;

Which was seconded.

Mr. Arnold moved that the further call be suspended;

Which was adopted.

The Speaker laid before the House the annual report of the visitor of the State Prison; which,

On motion by Mr. Meeker,

Was laid on the table.

Mr. Pennington moved that five hundred copies of the report be printed for the use of the members of this House;

Which was adopted.

On motion by Mr. McDonald,

The House then resolved itself into a committee of the whole, with Mr. Pennington in the chair, on the message of his Excellency, the Governor; and after some time spent therein, the Speaker resumed the chair, and Mr. Pennington reported, that the committee have, according to order, had the same under consideration, and come to sundry resolutions, in which he asked the concurrence of the House, to-wit:

*Resolved*, That so much of the Governor's message as relates to the public debt, be referred to the committee of ways and means.

*Resolved*, That so much of the Governor's message as relates to the grant of lands made to the United States to aid in the completion of the Wabash and Erie canal, be referred to the committee on canals and internal improvements.

*Resolved*, That so much of the Governor's message as relates to the early completion of the Wabash and Erie Canal between La-

fayette and Terre Haute, be referred to the committee on canals and internal improvements.

*Resolved*, That so much of the Governor's message as relates to county expenditures, be referred to the committee of ways and means.

*Resolved*, That so much of the Governor's message as relates to giving justices of the peace exclusive jurisdiction in petty misdemeanors, and concurrent jurisdiction with the circuit courts in offences of a higher grade, be referred to the committee on the judiciary.

*Resolved*, That so much of the Governor's message as relates to the circuit courts, be referred to the committee on the judiciary.

*Resolved*, That so much of the Governor's message as relates to granting corporate powers to seminaries, literary societies, military companies, &c., be referred to the committee on corporations.

*Resolved*, That so much of the Governor's message as relates to State expenditures, be referred to the committee of ways and means.

*Resolved*, That so much of the Governor's message as relates to agriculture, be referred to the committee on agriculture.

*Resolved*, That so much of the Governor's message as relates to the reduction of the members of the Senate and House of Representatives, be referred to the committee on the judiciary with leave to report by bill or otherwise.

*Resolved*, That so much of the Governor's message as relates to local legislation, be referred to the committee on the judiciary.

Whereupon,

The House concurred in all of the aforesaid resolutions.

The House then resolved itself into a committee of the whole on the contested election, with Mr. Fuller in the chair; and after considerable time spent therein, the Speaker resumed the chair, and Mr. Fuller reported that the committee have according to order, had the same under consideration, but had not as yet come to any resolution, nor arrived at any definite consideration of the subject; and respectfully requested leave to sit again at some future time.

Mr. Secrest moved that the committee be discharged from any further consideration of the subject;

Which was adopted.

Then,

On motion by Mr. Davis,

The House adjourned until to-morrow morning, 9 o'clock, A. M.

## SATURDAY MORNING, DECEMBER 6, 1845.

The House met pursuant to adjournment.

Mr. Fuller moved a call of the House;

Which was seconded.

After some time, Mr. Fuller moved that the further call be suspended;

Which was adopted.

Mr. Fuller asked the House to suspend the rules, that he might introduce a resolution:

Which was not adopted.

Mr. Mickle presented a remonstrance from sundry citizens of the counties of Adams and Jay, against the application of certain work to a free turnpike, in the county of Jay;

Which was read; and,

On motion,

Referred to a select committee consisting of Messrs. Mickle, Jackson, and Tomlinson.

Mr. Fuller presented the memorial of James B. Massie, praying the General Assembly to grant him a divorce from his wife, Julia Ann;

Which was,

On motion,

Referred to the committee on the judiciary.

Mr. Meeker presented a petition from Robert Martin and other citizens of Fayette county, on the subject of a State road in said county;

Which was,

On motion,

Referred to a select committee consisting of Messrs. Meeker, Stewart, Cox, Hinchman, and Tomlinson.

Mr. Vandever, from the select committee to whom was referred the petition of Daniel Dayhuff, made the following report:

Mr. SPEAKER:

The select committee to whom was referred the petition of Daniel Dayhuff for relief, beg leave to make the following report:

That Daniel Dayhuff, in the year eighteen hundred and forty-two, at private sale, bought of the Superintendent of the Loan Office, the north-east quarter, and north-west quarter, and the south-east quarter of section thirteen, in township number eight, range eleven, in the county of Sullivan, which had previously been mortgaged to the Saline Fund, by one Samuel Chambers; and which by reason of the non-payment by said Chambers of the sum of five hundred dollars and interest, for which said lands had been mortgaged, had



been offered at public sale and bought by the said Superintendent for the benefit of the State. The said Dayhuff, on the 11th day of February, in the year 1843, bought said lands and paid thereon the sum of fifty dollars, as interest on his said purchase. Also, in the month of January, in the year 1844, paid the further sum of forty-one dollars and eighty-seven cents, all to said superintendent; he also paid to the treasurer of Sullivan county, the further sum of five dollars and 31 cents as State, road, and county taxes, which said several sums of money, he the said Dayhuff paid in good faith.

But in the year 1844, upon tendering the amount of State, road, and county taxes, to the treasurer of Sullivan county, the said Dayhuff was informed by said treasurer, that the lands had been sold for taxes due on said lands before the sale thereof to said Dayhuff; and that the purchasers had went on and destroyed, and hauled off much of the timber, thereby destroying the value of said lands. Furthermore, the committee would state, that the title, the deed for which said superintendent had made to said Dayhuff not being in pursuance of the law, nor the sale of said lands not being in pursuance of the law, was not valid, giving no legal title to said Dayhuff. Then the committee would state, that the State of Indiana, has received into her treasury the sum of ninety-seven dollars and eighteen cents, for which she has never given any consideration, and it would be great injustice that the State thus should receive a sum of money from an individual who received no compensation. And your committee learn that the petitioner for relief, Mr. Dayhuff, is in straitened circumstances, and cannot well lie out of the use of the amount. Under these circumstances, your committee report the following bill, and respectfully recommend its passage.

The bill referred to in the above report is,

Bill No. 15, "Bill for the relief of Daniel Dayhuff, of Orange county;"

Which was read a first time, and passed to a second reading.

Mr. Fuller moved to lay the preamble and resolution on the contested election on the table.

And the ayes and noes being demanded by Messrs. Fuller and Logan, on the passage of the motion.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Burns, Carr, Carter, Chambers, Clymer, Coon, Cornelius, Cruikshank, Davis, Ellis, Endecott, Ferguson, Ford, Fuller, Hazelrigg, Henton, Herron, Jackson, Jones, Julian, Kimberlin, Leyman, Legg, Lemmonds, Logan, McCormack, Meeker, Mickle, Monroe, Mooney, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Porter, Powers, Riley, Rippey, Ruby, Seawright, Shanks, Slater, Smith, Stapp, Taber, Tedford, Tomlinson,

Vandever, Watt, Webb, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—60.

*Those who voted in the negative are,*

Messrs. Brumfield, Cameron, Carnan, Clements, Coffin, Conduit, Cookerly, Cox, Dole, Edwards, Hall of Gibson, Hall of Warren, Harvey, Henry, Hill, Hinchman, Huff, Kerr, Lewis, Lowe, McDonald, Moore, Osborn of Laporte, Parker, Pennington, Robinson, Rousseau, Secrest, Sleeth, Stanfield, Stewart, Thompson, Turner, Webber, and Wise—35.

So said motion was adopted.

Mr. McDonald moved to reconsider the vote taken on the passage of the resolution of Mr. Hazelrigg, that any person presenting a petition or memorial, and it is referred to a standing committee, the person presenting it shall be a member of that committee;

Which was,

On motion,

Laid on the table.

On motion by Mr. Fuller,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives *instantly*, to proceed to the election of a United States Senator, and that seats be provided on the right of the Speaker's chair.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate then came in from their chamber and took their seats on the right of the Speaker's chair, when both Houses, as a convention, proceeded by joint ballot to the election of a United States Senator to fill the vacancy that has occurred by the term of service of the Hon. Albert S. White having expired.

On counting the votes,

Jesse D. Bright received,	-	-	-	-	-	-	-	80 votes.
Joseph G. Marshall received,	-	-	-	-	-	-	-	66 votes.
Blank,	-	-	-	-	-	-	-	2 votes.

Jesse D. Bright having received a majority of all the votes given was, by the President of the convention, declared duly elected a United States Senator for the State of Indiana, to serve as such for the term of six years from and after the first day of March, A. D., 1845.

The President then declared the convention adjourned *sine die*.

Mr. Fuller moved that the House adjourn until Monday morning next;

And the ayes and noes being demanded by Messrs. Fuller and Cox,

*Those who voted in the affirmative are,*

Messrs. Bowman, Burns, Carr, Conduit, Coon, Cornelius, Ellis, Endecott, Fuller, Kimberlin, Lanius, Leyman, Lemmonds, Logan, McCormack, McDonald, Mickle, Moore, Slater, Vandever, Watt, Webb, and Mr. Speaker—23.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Cameron, Carnan, Carter, Chambers, Clements, Clymer, Coffin, Cookerly, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Legg, Lewis, Lowe, McRae, Meeker, Monroe, Moore, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Smith, Sleeth, Snook, Stanfield, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Turner, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, and Yocum—76.

So the House did not adjourn.

Mr. Vandever, offered the following resolution:

*Resolved*, That the Door-keeper of this House be instructed to contract with the Editors of the Indiana State Sentinel and Indiana Democrat for one copy of each, and with the Editor of the Indiana State Journal for two copies of each of their respective papers, during the present session, for the use of the members and officers of this House, at a price not exceeding one dollar per copy.

Mr. Cox moved to amend the resolution as follows:

Strike out from the word "resolved" and insert that each of the members of this House be permitted to contract with the Editors of the State Journal and Sentinel and Democrat for any number of their papers not to exceed six, to be paid out of the State Treasury.

Mr. Secrest moved to indefinitely postpone the whole subject;

And the ayes and noes being demanded by Messrs. Secrest and Clymer,

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Chambers, Clymer, Coffin, Cookerly, Cornelius, Cruikshank, Davis, Ellis, Ford, Hall of Gibson, Harvey, Henton, Hill, Huff, Jackson, Kerr, Lanius, Logan, Lowe, McCormack, McRae, Meeker, Monroe, Morrow, Nofsinger, Osborn of Laporte, Parker, Pennington, Porter, Rippey, Seawright, Secrest, Smith, Snook, Tedford, Turner, Wiley, Wilson of Noble, and Wise—45.

*Those who voted in the negative are,*

Messrs. Arnold, Cameron, Carnan, Carter, Clements, Conduit, Coon, Cox, Dole, Dowling, Edwards, Endecott, Ferguson, Fuller, Hall of Warren, Hazlerigg, Henry, Herren, Hinchman, Jones, Julian, Kimberlin, Leyman, Legg, Lemmonds, Lewis, McDonald, Mickle, Monroe, Mooney, Nelson, Osborn of Sullivan, Powers, Riley, Robinson, Rousseau, Ruby, Shanks, Slater, Sleeth, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Vandever, Watt, Webb, Webber, Wilson of Marion, Wilson of Sullivan, Yocum, and Mr. Speaker—53.

So said motion was not adopted.

Mr. Shanks then moved the previous question,

Which was seconded by the House;

And the question then being,

“Shall the main question be now put?”

It was decided in the affirmative.

The main question being,

“Shall the resolution be adopted?”

The ayes and noes were demanded by Messrs. Moore and Tomlinson,

*Those who voted in the affirmative are,*

Messrs. Arnold, Cameron, Carnan, Carter, Clements, Conduit, Cox, Davis, Dole, Dowling, Edwards, Endecott, Ferguson, Fuller, Hazlerigg, Hinchman, Jones, Julian, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Lewis, McCormack, McDonald, Monroe, Mooney, Nelson, Osborn of Sullivan, Parker, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Shanks, Slater, Sleeth, Snook, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Vandever, Watt, Webber, Wilson of Marion, Wilson of Sullivan, Yocum, and Mr. Speaker—54.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Chambers, Clymer, Coffin, Cookerly, Coon, Cornelius, Cruikshank, Ellis, Ford, Hall of Gibson, Hall of Warren, Harvey, Henry, Henton, Herron, Hill, Huff, Jackson, Logan, Lowe, McRae, Meeker, Mickle, Moore, Morrow, Nofsinger, Osborn of Laporte, Pennington, Porter, Seawright, Secrest, Smith, Taber, Tedford, Turner, Webb, Wiley, Wilson of Noble, and Wise—45.

So said resolution was adopted.

Mr. Clements offered the following resolution:

*Resolved*, That the committee on education be instructed to en-

quire into the expediency of modifying or amending an act entitled, "An act to confine voters to their respective townships," approved January 13th, 1845, and report by bill or otherwise;

Which was not adopted.

On motion by Mr. Pennington,

*Resolved*, That the certificates of the members of this House be referred to the committee on elections.

On motion by Mr. Davis,

*Resolved*, That the door-keeper of this House discharge the duties of Sergeant-at-arms until further directed.

On motion by Mr. Baker,

*Resolved*, That the public printer be instructed to furnish for the use of this House, one hundred and fifty copies of the act of Congress, approved March 3d, 1845, entitled, "an act to grant certain lands to the State of Indiana the better to enable the said State to extend and complete the Wabash and Erie canal from Terre Haute to the Ohio river."

Mr. Mickle moved to take from the table the preamble and resolution in relation to the contested seat of the member from Dearborn and Ohio counties;

Which was not adopted.

Mr. McDonald moved to reconsider the vote taken on the motion which was laid on the table, in regard to a member who presents a petition or memorial being a member of the select committee to whom it is referred;

Which was not adopted.

On motion by Mr. Cookerly,

*Resolved*, That the Governor be requested to communicate to this House, any information that he may have relative to the maltreatment of convicts in the State Prison, and also the report of the Superintendent of the building of the New Prison, if he be in possession of it, at as early a period as convenient.

On motion by Mr. Wiley,

*Resolved*, That the committee on roads be instructed to report a bill compelling the White Water Valley Canal Company to construct and keep in repair bridges across said canal, where any State or county road cross the same.

On motion by Mr. Seawright,

*Resolved*, That a select committee of three be appointed to enquire into the expediency of raising the fees of grand and petit jurors in the county of Clinton.

On motion by Mr. Carr,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of subjecting choses in action to sale on execution, with leave to report by bill or otherwise.

On motion by Mr. Clymer:

*Resolved*, That the committee on education be instructed to enquire into the expediency of amending the law providing for the



election of school township trustees, so that said school township trustees shall be elected on the first Monday in April in each year.

On motion by Mr. Parker,

*Resolved*, That the committee on the judiciary be instructed to enquire into the best practicable mode of selling for taxes canal lands not yet paid for, and owned in part by the State, and that said committee be required to report by bill or otherwise.

On motion by Mr. Vandever,

*Resolved*, That the committee on the judiciary be instructed to enquire into the constitutionality of section seventy-three, on page 976 of the Revised Statutes, relative to cutting or removing timber or other articles of value from Congress lands, and report by bill or otherwise.

On motion by Mr. Nofsinger,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of amending the 71st section, of article 6th, and chapter 12th, of the Revised Statutes of 1843, so as to reduce the fees for the collection of the public revenue, as follows, viz: on the first thousand dollars, six per cent., on any sum between one and two thousand dollars, five per cent., on any sum between two and three thousand dollars, four per cent., on any sum between three and four thousand dollars, three per cent., and on all sums over four thousand dollars, two per cent., and report by bill or otherwise.

On motion by Mr. Ferguson,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of altering the law requiring subpoenas in chancery to be served by copy.

On motion by Mr. Henry,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of changing the law regulating probate courts, so as to form probate circuits, with sufficient salaries to induce competent judges of law to take the bench, or to induce others to qualify themselves for that station, with leave to report by bill or otherwise.

The Speaker laid before the House reports from the branches at Indianapolis, Fort Wayne, and Lawrenceburgh, of the State Bank of Indiana.

Which were referred to the committee on the State Bank.

The Speaker laid before the House reports from the Adjutant and Quartermaster General;

Which were,

On motion by Mr. Seawright,

Laid on the table, and five hundred copies of each ordered to be printed.

On motion by Mr. Webber,

*Resolved*, That the committee on the affairs of the town of Indianapolis be instructed to inquire into the expediency of selling lot

No. seven, out of No. thirty-nine, adjoining the town of Indianapolis; also, the undivided fourth of lot No. six, in square No. fifty-one in the town of Indianapolis, for a less sum than is required by law; said lots being forfeited to the surplus revenue fund of Marion county.

On motion by Mr. Dole,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the laws for the collection of debts, that upon all execution sales for debts hereafter contracted, real estate shall not be sold for less than two-thirds of its appraised value, and personal property for not less than one-half of its fair appraised value, and that they report by bill or otherwise.

On motion by Mr. Davis,

*Resolved*, That the committee on roads enquire into the expediency of electing supervisors on roads on the first Monday in August.

On motion by Mr. Cruikshank,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of a law authorizing county auditors to acknowledge deeds and mortgages, with leave to report by bill or otherwise.

On motion by Mr. Cookerly,

The House adjourned until two o'clock, P. M.

*2 o'clock, P. M.*

House met.

Mr. Vandever moved to take from the table the preamble and resolution in relation to the contested seat of the member from Dearborn and Ohio counties.

Mr. Davis moved a call of the House;

Which was seconded.

After some time had elapsed therein,

Mr. Fuller moved that the further call be suspended;

Which was adopted.

The question then recurring on the motion made by Mr. Vandever,

It was decided in the affirmative.

Mr. Vandever moved the previous question;

Which was seconded by the House.

Mr. Cookerly moved that the House adjourn;

Which was decided in the negative.

The question then being,

Shall the main question be now put?

It was decided in the affirmative.

Mr. Secrest moved a call of the House ;

Which was adopted.

After some time had elapsed in the call,

Mr. Vandever moved to suspend it,

Which was adopted.

The main question then being,

Shall the resolution be adopted ?

The ayes and noes were demanded by Messrs. Cox and Tomlinson.

*Those who voted in the affirmative are,*

Messrs. Baker, Brumfield, Carnan, Carter, Clements, Coffin, Cookerly, Coon, Cornelius, Cox, Cruikshank, Dole, Dowling, Edwards, Endecott, Hall of Gibson, Hall of Warren, Henry, Henton, Huff, Jackson, Logan, Lowe, McDonald, McRae, Moore, Morrow, Nofsinger, Osborn of Sullivan, Pennington, Riley, Robinson, Rousseau, Seawright, Secrest, Slater, Sleeth, Stewart, Tedford, Thompson, Turner, Vandever, Watt, Wiley, Wilson of Marion, Wilson of Sullivan, and Yocum—47.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Cameron, Carr, Chambers, Clymer, Davis, Ellis, Ferguson, Ford, Fuller, Harvey, Hazelrigg, Herron, Hill, Hinchman, Jones, Julian, Kerr, Leyman, Legg, Lemmonds, Lewis, McCormack, Meeker, Mickle, Monroe, Mooney, Nelson, Osborn of Laporte, Parker, Porter, Powers, Rippey, Ruby, Shanks, Smith, Snook, Stanfield, Stapp, Taber, Tomlinson, Webb, Webber, Wilson of Noble, Wise, and Mr. Speaker—49.

So said resolution was not adopted ; and

On motion by Mr. Stapp,

The House adjourned until Monday morning, 9 o'clock, A. M.

## MONDAY MORNING, DECEMBER 8, 1845.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Superintendent of the State Prison.

Which was,

On motion by Mr. Cookerly,

Laid on the table and three hundred copies ordered to be printed.

Mr. Monroe presented a petition from the voters of Jackson township, Washington county, praying the passage of an act making Martinsburg, in said township and county, as one of the precincts, and a legal place of voting for the township aforesaid.

Which was referred to a select committee, consisting of Messrs. Monroe, Shanks and Mooney.

Mr. Moore presented a petition from Owen county, praying the repeal of section 2, article 2, chapter 2, of the Revised Statutes of 1843.

Which was read and referred to a select committee, consisting of Messrs. Moore, Secrest and Yocum.

Mr. Yocum presented the petition of Samuel Miles and Allen T. Rose of Clay county, for certain purposes therein named.

Which was read and referred to a select committee, consisting of Messrs. Yocum, Herron and Secrest.

Mr. Leyman presented the petition of Messrs. Clark, Foresman, Perdue and others of Tippecanoe county, praying the passage of an act to attach said county to the eighth judicial circuit for judicial purposes.

Which was read and referred to a select committee, consisting of Messrs. Leyman, Nelson and Tedford.

Mr. Morrow presented a petition from sundry citizens of Grant county, praying the location of a State road in Grant and Richardville counties.

Which was read and referred to a select committee, consisting of Messrs. Morrow, Tomlinson, Tedford and Ellis.

Mr. Cookerly presented the petition of Nancy Kesto, praying the Legislature to grant her a divorce from her husband, Jonathan Kesto.

Which was referred to a select committee, consisting of Messrs. Cookerly, Wilson of Sullivan, and Kerr.

Mr. Lowe presented a memorial for the relief of John Carter, purchaser of a certain amount of saline land therein described.

Which was read and referred to a select committee of Messrs. Lowe, Edwards and Conduit.

Mr. Shanks, from a select committee, made the following report;

**MR. SPEAKER:**

The select committee to which was referred a petition of sundry citizens of Washington county, praying the Legislature to legalize the official acts of John Nixon, school commissioner of said county, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

The bill referred to in the above report is

**No. 11.** A bill to legalize the official acts of John Nixon, school commissioner of Washington county.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Vandever, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition for the relief of the heirs of William Pinnick of Orange county, have had that subject under consideration, and directed me to report the following bill and recommend its passage:

The bill referred to in the above is

No. 17. An act for the relief of the heirs of William Pinnick, deceased.

Which was read and passed to a second reading on to-morrow.

Mr. Mickle, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of citizens of Steuben county, praying for a special term of the Allen circuit court, beg leave to report the following bill, and respectfully ask its passage:

The bill in the above report referred to is

No. 18. A bill to provide for a special term of the Allen circuit court.

Which was read three several times, (the rules being suspended therefor,) and passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion by Mr. Moore,

*Resolved*, That a select committee of five be appointed by the chair, whose duty it shall be to enquire into the situation of the sinking fund, and also to inquire what it cost the State to examine the mortgaged premises to said fund, and that they be required to report to this House the result of that examination as soon as it is practicable.

Said committee consists of Messrs. Moore, Julian, Parker, Jackson, Powers and Dowling.

On motion by Mr. Julian,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the law respecting the examiners of teachers of common schools that said examiners shall be required to take an oath faithfully to discharge their duties as such, and shall moreover be entitled to a reasonable compensation for their services, to be paid by the applicant for examination.



On motion by Mr. Hill,

*Resolved*, That the committee on education be instructed to enquire into the expediency of amending the law in relation to common schools, so that there shall be an annual, instead of a semi-annual dividend of the school funds, and that they report by bills or otherwise.

On motion by Mr. Bowman,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law, as to make all complainants, who fail to sustain a prosecution for criminal offence commenced by themselves, liable for all costs of the said prosecution and report by bill or otherwise.

On motion by Mr. Cookerly,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the practice act, as to abolish all special pleading in law, with leave to report by bill or otherwise.

On motion by Mr. Harvey,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the 171st section of the 30th chapter of the Revised Statutes, that it shall only be necessary for the clerks of executors' and administrators' sales to keep an account of the different articles sold, and the different amounts for which the same were sold at such sales, and to whom sold.

On motion by Mr. Clymer,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of repealing so much of the valuation and appraisement laws, as relates to the collection of fines for breaches of the peace and other misdemeanors.

On motion by Mr. McCormack,

*Whereas*, The Tippecanoe circuit court have adjudged a citizen of said county guilty of a Penitentiary offence, under the 34th section of the Revised Code, page 968, for keeping a *ten pin alley*.

*Therefore, Resolved*, That the judiciary committee be instructed to report a bill repealing said section, so far as the keeping of such alley is concerned. And that said committee also, in said bill, repeal the whole of said section, and report a bill more specific and intelligible, in lieu thereof.

On the rules being suspended for that purpose,

Mr. Fuller introduced a memorial from Patsey Hubbard, praying the legislature to grant her a divorce from Malachi Hubbard: and also a petition from sundry citizens of Warrick county, praying the legislature to grant said divorce;

Which was,

On motion,

Referred to a committee consisting of Messrs. Fuller, Baker, and Endecott.

Mr. Stapp introduced,

No. 19. A joint resolution on the subject of the inland seas of the western country ;

Which was read a first time.

Mr. Dowling introduced,

No. 20. A joint resolution to Congress, in relation to the claim of Col. Francis Vigo, late of Knox county, Indiana ;

Which was read a first time.

Mr. Clements introduced,

No. 21. A joint resolution to reduce the number of Senators and Representatives for the next five years ;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee of the whole House, and made the special order for the day of Wednesday next, at 10 o'clock, A. M.

Mr. Lemmonds introduced,

No. 22. A bill to change the time of holding probate courts in Dubois county ;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

Mr. Shanks introduced,

No. 23. A bill in relation to the bank tax fund ;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on the state bank.

Mr. Secrest introduced,

No. 24. A bill to authorize the refunding of taxes in certain cases ;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on ways and means.

Mr. Julian introduced,

No. 25. A bill declaring a misprint in the Revised Statutes of 1843 ;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on the judiciary.

Mr. McDonald introduced,

No. 26. A bill regulating the jurisdiction of justices of the peace in the counties of Lake and Porter ;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on the judiciary.

Mr. Hall of Gibson introduced,

No. 27. A bill to authorize the auditor of Gibson county to make a deed in a certain case therein named ;

Which was read a first and second times, the rules being suspended therefor, and referred to a select committee consisting of Messrs. Hall of Gibson, Baker and Monroe.

Mr. Porter introduced,

No. 28. A bill for the relief of purchasers of school lands in Harrison county ;

Which was read a first time and ordered to a second reading.

Mr. Baker introduced,

No. 29. A bill to restrict the operation of an act entitled an act relative to the apportionment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes, approved January 6, 1845;

Which was read a first time and ordered to a second reading.

#### ORDERS OF THE DAY.

No. 7. A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law for the relief of pre-emption settlers on the Miami reserve;

Which was read a third time and passed,

*Ordered*, That the clerk inform the Senate thereof.

No. 15. A bill for the relief of Daniel Dayhuff, of Orange county; Was read a second time and referred to the committee on claims.

No. 14. A bill to reduce the per diem allowance of the members of the General Assembly of the State of Indiana;

Was read a second time; when,

Mr. McDonald moved to lay the bill upon the table.

The ayes and noes were demanded by Messrs. Moore and Sleeth.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Bowman, Cameron, Carnan, Carter, Chambers, Clymer, Coffin, Cornelius, Cox, Dole, Ellis, Endecott, Ford, Fuller, Hall of Gibson, Harvey, Hill, Hinchman, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Legg, Lewis, McDonald, McRae, Monroe, Mooney, Morrow, Powers, Robinson, Rousseau, Ruby, Seawright, Secrest, Stanfield, Stewart, Tomlinson, Watt, Webber, Wiley, Wilson of Noble, and Mr. Speaker—48.

*Those who voted in the negative are,*

Messrs. Arnold, Brumfield, Burns, Carr, Conduit, Cookerly, Coon, Dowling, Edwards, Ferguson, Hall of Warren, Hazelrigg, Henry, Henton, Herron, Huff, Leyman, Lemmonds, Logan, Lowe, McCormack, Mickle, Moore, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Riley, Rippey, Shanks, Slater, Sleeth, Smith, Stapp, Taber, Tedford, Thompson, Turner, Vandever, Wilson of Marion, Wilson of Sullivan, Wise and Yocum—46.

So said bill was laid upon the table.

The following message was received from the Senate by Mr. Gorman, their secretary.

MR. SPEAKER :

I am instructed by the Senate to inform the House of Represent-

atives that they have passed the following engrossed joint resolutions thereof:

No. 1. A joint resolution upon the subject of improving the Western rivers;

No. 2. A joint resolution legalizing the acts of Henry Stricklen, a justice of the peace of Greene county;

In which the concurrence of the House of Representatives is respectfully requested.

No. 1, the joint resolution in said message mentioned,

Was read three several times, (the rules being suspended therefor,) and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 2, the joint resolution above mentioned,

Was read a first and second times, (the rules being suspended,) and referred to the judiciary committee.

The following message was received from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 4. A bill authorizing the personal property of the estate of Lyman G. Bellamy, late of Allen county, deceased, to be sold at private sale, and ask the concurrence of the House.

Bill No. 4, above mentioned,

Was read a first time and ordered to a second reading.

The following message was received from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the Senate:

No. 1. A bill for the improvement of roads in certain counties.

No. 2. A bill to reduce the salary of the auditor of Sullivan county.

No. 3. A bill to authorize the holding of special terms of the circuit court in the twelfth judicial circuit.

No. 5. A bill dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans.

In which the concurrence of the House is respectfully requested.

Bill No. 1, mentioned in said message,

Was read a first time and ordered to a second reading.

Bill No. 2, mentioned above,

Was read a first time and ordered to a second reading

Bill No. 4, above mentioned,

Was read a first time and ordered to a second reading.

Bill No. 3, in said message mentioned,

Was read a first and second time, (the rules being suspended,) when,

On motion by Mr. McCormack,

Said bill was amended by inserting Tippecanoe county.

Mr. Baker moved to refer the bill to a select committee of one from each judicial circuit.

Which motion prevailed.

And the Speaker appointed Messrs. Baker, Seawright, Porter, Blackwell, Riley, Robinson, Secrest, McCormack, Stanfield, Clements, Jackson and Powers, said committee.

Bill No. 5, mentioned in said message,

Was read a first time and ordered to a second reading.

On motion by Mr. Vandever,

*Resolved*, That the committee on education be instructed to enquire into the expediency of reducing the interest on the surplus revenue fund to six per cent. per annum instead of seven, and also into the expediency of increasing the fees of auditor and treasurer to one per cent. each instead of one half per cent. each, for the duties assigned them in relation to that subject, with leave to report by bill or otherwise.

Mr. Moore moved to take from the table,

No. 1. A joint resolution reviving in part a certain act therein named.

Which motion prevailed.

Mr. Pennington moved to indefinitely postpone said joint resolution.

And the ayes and noes were demanded by Messrs. Moore and Coon.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Brumfield, Burns, Cameron, Carnan, Carter, Chambers, Coffin, Cornelius, Cox, Dole, Edwards, Endecott, Hall of Gibson, Harvey, Herron, Hill, Huff, Julian, Kerr, Lanius, Leyman, Legg, Lewis, Lowe, McRae, Meeker, Morrow, Nelson, Nofsinger, Pennington, Rippey, Robinson, Rousseau, Stanfield, Stewart, and Tomlinson—38.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Carr, Clements, Clymer, Cookerly, Coon, Cruikshank, Dowling, Ellis, Ferguson, Ford, Fuller, Hall of Warren, Hazelrigg, Henton, Hinchman, Jackson, Jones, Kimberlin,



Lemmonds, Logan, McCormack, Mickle, Monroe, Mooney, Moore, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Powers, Riley, Seawright, Secrest, Shanks, Slater, Sleeth, Stapp Taber, Tedford, Thompson, Turner, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—53.

So said motion did not prevail.

And said joint resolution was ordered to be engrossed.

On motion by Mr. Porter,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Vandever introduced,

No. 30. A bill for the liquidation of the public debt.

Mr. Henry introduced,

No. 31. A bill repealing an act entitled, "An act providing for the fees of the auditor of Hancock county.

Mr. Mooney introduced,

No. 32. A bill abolishing the fee of the auditor of Jackson county for entry and transfer of lands.

Mr. Monroe introduced,

No. 33. A bill to require the plaintiff to give security for costs in certain cases therein named.

Mr. Mickle introduced,

No. 34. A bill to vacate the town platt of the town of New Charleston in Jay county, Indiana.

Mr. Clements introduced,

No. 35. A bill to amend the 73d and 74th sections of the 53d chapter of the Revised Statutes of 1843, relative to trespassing upon the lands of the United States.

Which bills were each severally read a first time and ordered to a second reading on to-morrow.

On motion by Mr. Arnold,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law relative to crime and punishment so as to make seduction a crime, and punish the same by hard labor in the State Prison, with leave to report by bill or otherwise.

On motion by Mr. Clymer,

*Resolved*, That the Agent of State be directed to furnish this House, at as early a day as practicable, with a statement showing the

amount of State bonds sold for all purposes, the amount for which said bonds were sold, to whom sold, and the time when sold; also, the amount which the State has failed to realize on account of such sales, specifying the amount of loss on each sale.

On motion by Mr. Seawright,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of levying an additional road tax on non-resident lands, with leave to report by bill or otherwise.

Mr. Burns offered the following resolution:

*Resolved*, That the select committee on the apportionment bill be directed to report a bill for the apportionment of the State as early as Friday, 12th inst.;

Which was not adopted.

On motion by Mr. Hazelrigg,

*Resolved*, That the use of the Hall of the House of Representatives be granted to Mr. Ignatius L. Teliga, a Polish exile, on Thursday evening next, for the purpose of delivering a free lecture upon the past history, present condition, and future prospects of his native country; and,

On motion,

The House adjourned till to-morrow morning, 9 o'clock, A. M.

## TUESDAY MORNING, DECEMBER 9, 1845.

House met pursuant to adjournment.

Mr. Cookerly presented a petition from sundry citizens of Vigo county for the relief of William Walden;

Which was referred to the committee on canals and internal improvements.

Mr. Ferguson presented the petition of Jacob Bigelow, attorney for the relief of the heirs of Richard McCarty, deceased;

Which was referred to a select committee consisting of Messrs. Ferguson, Davis, and Jones.

Mr. Yocum presented the petition of sundry citizens of Clay county praying the Legislature to declare the county road leading from Middlebury to the feeder dam, in said county, a State road;

Which was referred to a select committee consisting of Messrs. Yocum, Secrest and Moore.

Mr. Cox presented the petition of sundry citizens of Rush county, to vacate a certain street in the town of Rushville;

Which was referred to a select committee consisting of Messrs. Cox, Hinchman, and Tomlinson.

Mr. Turner presented the petition of sundry citizens of Wells and Adams counties, asking for a portion of Adams county to be attached to the county of Wells;

Which was read and referred to the committee on the judiciary.

Mr. Hall of Gibson, presented the petition of Vincent Barnett and others of Gibson county, asking for the division of congressional township No. 1, north of range ten west;

Which was referred to a select committee consisting of Messrs. Hall of Gibson, Carnan, and Baker.

Mr. Secrest, from the committee on ways and means, made the following report;

MR. SPEAKER:

The committee on ways and means have instructed me to report to the House, the following resolution,<sup>1</sup> and to recommend its adoption by the House:

*Resolved*, That the committee on ways and means have permission to employ a clerk for said committee, whenever the business thereof shall require it;

Which was adopted.

Mr. Riley, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred the resolution instructing said committee to enquire into the expediency of amending the law relative to the selection of jurors, by giving the right of selection to the trustees of the different townships, with leave to report by bill or otherwise, have had the same under consideration, and directed me to report legislation on that subject unnecessary, and ask to be discharged from the further consideration thereof;

Which was concurred in.

Mr. McDonald from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution of the House, instructing said committee to enquire if any further action of the legislature be necessary, in relation to clerks of the circuit court, doing business as county auditor, have had the same

under consideration, and directed me to report that they do not deem any further action necessary, and ask to be discharged from the further consideration of said resolution ;

Which was concurred in.

Mr. Osborn of Laporte, from the judiciary committee, made the following report :

**MR. SPEAKER :**

The committee on the judiciary to which was referred the resolution instructing said committee to enquire into the expediency of reporting a law to allow writs of garnishee after a return of an execution, "no property" have had that subject under consideration, and directed me to report the following bill to-wit :

The bill referred to in the above report is

No. 36. A bill to extend the writ of garnishee in certain cases ;

Which was read a first time, and ordered to a second reading.

Mr. Osborn of Laporte, also made the following report :

**MR. SPEAKER :**

The committee on the judiciary to which was referred the resolution instructing said committee to enquire into the expediency of subjecting choses in action to sale on execution, have considered the same, and directed me to report, that the resolution is fully provided for by a bill entitled No. 36. "A bill to extend the writ of garnishee in certain cases," this day reported by said committee ; and said committee ask to be discharged from the consideration thereof ;

Which was concurred in.

Mr. Hall of Gibson, from the judiciary committee, made the following report :

**MR. SPEAKER :**

The judiciary committee to whom was referred a resolution of this House, directing them to enquire into the expediency of so amending the law as to make it the duty of clerks of the circuit court to procure a book in which to record all transcripts of judgments from justices of the peace, and copies of judgments of the circuit court from other counties to bind lands, have had the subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject ;

Which was concurred in.

Mr. Edwards from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee to whom was referred the bill No. 2. "To legalize the acts of James Batman, a justice of the peace for Bono township, Lawrence county," have had the same under consideration, and directed me to report the same back, and respectfully recommend its passage.

The bill referred to is,

No. 2. An act to legalize the acts of James Batman, a justice of the peace for Bono township, Lawrence county;

Which was read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Hall of Gibson, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee to whom was referred a bill declaratory of the meaning of the 29th section of the 1st article of the 45th chapter of the Revised Statutes of 1843, have had the same under consideration, and have made one amendment thereto, by adding the following words at the end of the first section, to-wit: "saving and reserving to persons without the United States, to infants, married women, and insane persons, the benefit of the provisions in said 29th section,"—with this amendment the committee recommend the passage of said bill;

Which amendment was concurred in by the House, and said bill ordered to be engrossed.

Mr. Sleeth from the judiciary committee, made the following report:

MR. SPEAKER :

The committee on the judiciary to whom was referred a resolution directing said committee to enquire whether the legislature has power to incorporate a company to make a slack water navigation, with power to enforce the collection of tolls, on a stream whose bed or channel has not been surveyed and sold as lands belonging to the United States, have considered the same, and instructed me to report that inasmuch as no legislation is asked, it is inexpedient for them to determine on such power, and ask to be discharged from the further consideration thereof;

Which was concurred in.



Mr. McDonald from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to which was referred the resolution instructing said committee to enquire into the constitutionality of section seventy-three on page 976, of the Revised Statutes, relative to cutting timber, &c., on Congress lands, have had the same under consideration, and directed me to report, that they deem it inexpedient, and not within the proper duties of said committee to report mere opinions, upon which this House would not act, if reported, as the declaring an act to be unconstitutional by the legislature, would not be binding on any court or person, however much respect it might be entitled to, and would seem to be encroaching on the judicial department of this Government; they therefore, ask to be discharged from the further consideration thereof;

Which was concurred in.

Mr. Webber from the committee on the affairs of the town of Indianapolis, made the following report:

MR. SPEAKER:

The committee on the affairs of the town of Indianapolis, agreeably to instructions, have taken into consideration the propriety of selling certain lots in the town of Indianapolis, and have instructed me to report as follows,

No. 37. An act to sell certain lots in Indianapolis;

Which was read a first time, and ordered to a second reading.

Mr. Fuller from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Patsey Hubbard, praying for a divorce, and for other relief, have instructed me to report the following bill, and recommend its passage.

No. 38. A bill to dissolve the matrimonial ties existing between Patsey Hubbard, and Malachi Hubbard, her husband, and to authorize the entering a nolle prosequi in a certain indictment against the said Patsy;

Which was read a first and second time, (the rules being suspended therefor,) and,

Mr. Secrest moved that it be referred to the judiciary committee with the following instructions:

“To enquire into the constitutional power of the Legislature to grant divorces;”

Which instructions were not adopted.  
 The rules being suspended,  
 The bill was read a third time ;  
 And on the question of the passage of the bill,  
 Messrs. Secrest and Mickle, demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Cameron, Carter, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly Coon, Cornelius, Cox, Davis, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Hall of Warren, Hazelrigg, Henry, Henton, Heron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kimberlin, Lanius, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McDonald, McRae, Meeker, Monroe, Moore, Morrow, Nofsinger, Osborn of Sullivan, Parker, Pennington, Powers, Riley, Robinson, Ruby, Seawright, Slater, Sleeth, Smith, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Watt, Webb, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, and Mr. Speaker—74.

*Those who voted in the negative are,*

Messrs. Carr, Carnan, Edwards, Mickle, Mooney, Nelson, Porter, Rousseau, Secrest, Shanks, Turner, Vandever, Wiley, and Yocum—14.

So said bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Thompson, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the memorial of James Hays, praying for a dissolution of the bonds of matrimony between him and Catharine Hays, have instructed me to report the following bill :

No. 39. A bill to dissolve the bands of matrimony between James Hays and Catharine Hays.

Which was read a first time, and passed to a second reading.

Mr. Baker, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of Silas Stevens and others, officers of Vanderburgh county, praying for the relief of Lewis Stinson and certain other purchasers of school lands in said county, have instructed me to report the following bill and recommend its passage.

No. 40. A bill for the relief of certain purchasers of school lands in Vanderburgh county, therein named ;

Which was read a first time and ordered to a second reading.

Mr. Smith, from a select committee, made the following report ;

MR. SPEAKER :

The select committee to whom was referred the petition and other papers of Joseph Carpenter, praying a divorce from his wife, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 41. An act for the relief of Joseph Carpenter ;

Which was read a first time and ordered to a second reading.

Mr. Arnold, from a select committee, made the following report :

MR. SPEAKER :

A majority of the select committee to whom was referred the petition of Ransom Gabbart, praying a divorce from his wife, Eliza Jane Gabbart, have had the same under consideration, and directed me to report the following bill.

No. 42. A bill dissolving the bonds of matrimony between Ransom Gabbart, and Eliza Jane Gabbart ;

Which was read a first time and ordered to a second reading.

Mr. Clymer, from a select committee, made the following report :

MR. SPEAKER :

The committee to whom was referred the petitions of sundry citizens of Elkhart and St. Joseph counties, praying for a State road, have had the same under consideration, and directed me to report the following bill and recommend its passage :

No. 43. An act establishing a State road in the counties of Elkhart and St. Joseph ;

Which was read a first and second times, (the rules being suspended therefor,) and ordered to be engrossed for to-morrow.

Mr. Hall of Gibson, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred a bill to authorize the auditor of Gibson county to make a deed in a certain case therein named, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and request that it may be passed :

No. 27. A bill to authorize the auditor of Gibson county to make a deed in a certain case therein named ;

Which was read a second time and ordered to be engrossed.

The Speaker laid before the House the annual report of the Directors of the State Bank ;

Which was,

On motion by Mr. Cookerly,

Laid on the table, and five hundred copies ordered to be printed.

The Speaker laid before the House the report of the commissioners of the Sinking Fund, and a communication from the said commissioners requesting an investigation into certain charges in relation to their official actions.

The communication is as follows :

SINKING FUND OFFICE, }  
Indianapolis, December 9, 1845. }

*To the House of Representatives*

*of the State of Indiana :*

The undersigned beg leave to call the attention of the General Assembly to the fact, that broad insinuations, amounting to charges, have been for some time past put forth in one of the leading newspapers printed at the seat of government, of gross mismanagement, if not of embezzlement, of the sinking fund ; and not being willing to be under any such charge, the undersigned, being all the commissioners of the fund now at Indianapolis, would respectfully ask of the General Assembly, the appointment of a committee to make a thorough and prompt investigation of the condition of the Fund, and particularly of all the official acts of the undersigned, several and joint, since their appointment.

Very respectfully,

J. MORRISON,  
JACOB WALKER,  
J. P. DRAKE.

Which was,

On motion by Mr. Cookerly,

Referred to a select committee consisting of Messrs. Cookerly, Hall of Gibson, Stapp, Leyman, and Lanius.

On motion by Mr. Hinchman,

*Resolved*, That there be a select committee consisting of one member from each judicial circuit in this State, to take into consideration the propriety of amending the road law, so as to make the road law uniform throughout the State, and also to restrict persons performing labor to pay road tax, to perform the labor in the district where the

taxables for road purposes may be situate, and also to enquire into the expediency of making it the duty of the supervisors of each road district to make returns to their county auditors of their respective counties in due time for the auditor to make out and hand over to the county treasurers, a delinquent road tax list, thereby saving much labor to the supervisors, and also the county treasurers; and that they report by bill or otherwise.

The Speaker appointed Messrs. Hinchman, Nelson, Vandever, Cornelius, McRae, Arnold, Yocum, Coon, Rippey, Conduit, Tomlinson, and Wilson of Noble, said committee.

Mr. Hazelrigg offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the propriety of passing a law allowing pay to witnesses who are summoned to appear before grand juries.

Which was not adopted.

Mr. Mickle offered the following resolution:

*Resolved*, That S. P. Mooney be added to the select committee appointed to district the State into senatorial and representative districts.

Mr. Cookerly moved to amend by adding the name of Dowling.

Mr. Stapp moved that Mr. Chambers be added to said committee.

Mr. Hazelrigg moved to lay the whole subject on the table.

Messrs. McDonald and Mickle demanded the ayes and noes on passage of the motion.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Cameron, Carnan, Chambers, Clements, Coffin, Conduit, Cookerly, Cornelius, Cox, Dowling, Edwards, Ellis, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Huff, Jones, Julian, Kerr, Legg, Lemmonds, Lewis, Lowe, McCormack, McRae, Meeker, Mooney, Moore, Morrow, Nelson, Osborn of Laporte, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Smith, Stanfield, Stapp, Stewart, Tedford, Thompson, Tomlinson, Webb, Webber, Wiley, Wilson of Sullivan, and Wise—59.

*Those who voted in the negative are,*

Messrs. Arnold, Burns, Carr, Clymer, Coon, Cruikshank, Davis, Endecott, Fuller, Henton, Herron, Jackson, Kimberlin, Lanius, Logan, McDonald, Mickle, Nofsinger, Osborn of Sullivan, Powers, Riley, Secrest, Shanks, Sleeth, Taber, Turner, Vandever, Watt, Wilson of Marion, Wilson of Noble, Yocum and Mr. Speaker—32.

So said motion prevailed.

On motion by Mr. Henry,

*Resolved*, That the committee on education be instructed to re-



port a bill abolishing the office of examiners of common school teachers, as the same is of no practical benefit whatever.

Mr. Stapp moved to amend by inserting "expediency," in the place of instructing;

Which resolution, with the amendment was adopted.

On motion by Mr. Seawright,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the school law, that it be less complicated and more easily understood, and that they have leave to report by bill or otherwise.

On motion by Mr. Stapp,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of reporting a bill, authorizing the issuing of writs of *ne exeat*.

On motion by Mr. Dowling,

*Resolved*, That the House grant the use of this Hall to Mr. Parrell, to give a public address, without charge, this evening, at quarter past 6 o'clock, on the character, mental powers, and governmental intentions of the fathers of the revolutions and the constitution—also, the difference in temperament, and phrenological organization, and the two modes of reasoning which were natural, and adopted by the parties in this country at that time.

On motion by Mr. Cox,

*Resolved*, That the committee on public expenditures be instructed to enquire into the expediency of abolishing the office of State Agent, and requiring the Treasurer, or Secretary of State, to perform the duties of said office, with leave to report by bill or otherwise.

On motion by Mr. Davis,

*Resolved*, That the committee on the State library, be instructed to enquire into the expediency of having the legislative papers bound in a plain and cheap style.

On motion by Mr. Lowe,

*Resolved*, That a select committee be appointed to enquire whether there can be adopted any practicable change in the manner of keeping, printing, and calculating the journals of this House, so as materially to lessen the expense thereof; and at the same time so simplify and condense the form, and so increase the number of copies, that the people may be more extensively furnished with, and more easily comprehend the same, or whether if not all, either of said objects be attainable.

The Speaker appointed Messrs. Lowe, Burns, and Blackwell, said committee.

On motion by Mr. Cameron,

*Resolved*, That the committee on education be instructed to enquire into the expediency of repealing so much of the 107th section of the different articles of the Revised Statutes of 1843, as requires teachers of district schools to keep a register of the names of all the

children attending schools—their ages—the date—when they commenced—the length of time they continue, with a table, showing their daily attendance, and also the names of the parents or guardians of such children.

On motion by Mr. Wilson of Marion,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of extending the jurisdiction of justices of the peace in actions of debt of two hundred dollars, with leave to report by bill or otherwise.

Mr. Stapp asked leave to withdraw from the files of the State library,

Bill No. 178, of the session of 1844-'5;

Which leave was granted.

On motion by Mr. Nofsinger,

*Resolved*, That this House instruct the committee on education to enquire into the expediency of abolishing the office of school commissioner, and place each townships school fund in the hands of its respective township trustees for its management, requiring said trustees to execute bonds sufficient to secure any funds which may fall into their hands, and that the committee report by bill or otherwise.

On motion by Mr. Webb,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reducing the fees of county recorders, and report by bill or otherwise.

Mr. Thompson offered the following resolution,

*Resolved*, That the committee of ways and means be instructed to report as to the expediency of providing that the treasurers of the respective counties shall ex-officio discharge the duties of county assessor;

Which was not adopted.

On motion by Mr. Lowe,

*Resolved*, That a select committee be appointed to enquire what further legislation, if any, is necessary for the preservation of the several trust funds of this State.

Said committee consists of Messrs. Lowe, Coon, and Hill.

On motion by Mr. Baker,

*Resolved*, That so much of the Governor's message as relates to the re-organization of the militia be referred to the committee on military affairs, with instructions to enquire into the propriety of enacting a law providing for the re-enrollment of the militia, and dispensing with militia training, and also exempting members of volunteer companies from the payment of a county poll tax.

Mr. Baker moved to reconsider the vote taken on the passage of the resolution of Mr. Clements in relation to modifying or amending an act, entitled an act confining voters to their respective townships, approved January 13, 1845;

Which motion prevailed.

The question then recurring on the adoption of the resolution.

It was adopted.

Mr. Cookerly moved to reconsider the vote taken on the resolution of Mr. Davis, passed in relation to the Door-keeper of the House, discharging the duties of Sergeant-at-Arms;

Which motion prevailed;

Mr. Secrest offered the following amendment, "Provided that he shall receive no additional compensation therefor;"

Which was adopted.

The question then being on the adoption of the resolution as amended.

It was adopted.

Mr. Hall of Gibson, offered the following resolution :

*Resolved*, That the use of the Hall of the House of Representatives be given to the State Sabbath Convention, to hold a meeting, on Wednesday, the 10th instant, at 2 o'clock, P. M.;

Which was,

On motion,

Laid on the table; and,

On motion by Mr. Lemmonds,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met.

Mr. Carter introduced,

No. 44. A joint resolution in relation to the Michigan City Harbor;

Which was read a first and second times, the rules being suspended therefor; and,

On motion by Mr. McDonald,

Referred to a select committee of Messrs. Carter, Stanfield, and McDonald.

Mr. Stanfield introduced,

No. 45. A joint resolution instructing our Senators, and requesting our Representatives to vote for an appropriation on the St. Joseph's river;

Which was read a first and second times, the rules being suspended therefor; and,

On motion,

Referred to a select committee of Messrs. Stanfield, Smith, and McDonald.

## BILLS INTRODUCED.

By Mr. Vandever,  
No. 46. A bill to change the mode of electing county surveyors,  
in Orange county.

By Mr. Carnan,  
No. 48. A bill for the relief of Victor Belan, and Lambert Holder, of Knox county.

By Mr. Mickle,  
No. 49. A bill to amend the 54th section of the 12th chapter of the Revised Statutes of 1843.

By Mr. Cookerly,  
No. 50. A bill to amend the 1st section of article 1, chapter 42, of the Revised Statutes.

By Mr. Cookerly,  
No. 51. A bill to repeal the 2d section, of chapter 43, laws of 1843, and for other purposes.

By Mr. Taber,  
No. 52. A bill for the relief of purchasers of canal lands.

By Mr. Harvey,  
No. 53. A bill to prescribe the mode of selecting grand and petit jurors in the county of Hendricks.

By Mr. Thompson,  
No. 54. A bill to change the time of holding the probate court of Perry county.

By Mr. Taber,  
No. 55. A bill to amend the thirteenth section of chapter seventy-two, page one hundred and forty-seven, of the Revised Statutes of 1843, approved February 11, 1843.

By Mr. Taber,  
No. 56. A bill to amend an act, entitled, an act fixing the times of holding courts in the eighth judicial circuit of the State of Indiana, and for other purposes, approved January 13, 1845.

By Mr. Stapp,  
No. 57. A bill to encourage manufactures.

By Mr. Sleeth,  
No. 58. A bill to amend section 128, chapter 35, article 4th, of the Revised Statutes, so far as relates to fees and services of guardians.

Which said bills were each severally read a first time and ordered to a second reading.

Mr. Wilson of Noble, introduced

No. 47. A bill to extend an act, entitled, an act to provide for a more efficient mode of expending the road tax in the several counties therein named, approved January 15, 1844, to the counties of Noble and Lagrange ;

Which was read a first and second times, the rules being suspended; when,

Mr. Secrest moved to refer the bill to the committee on roads with the following instructions :

"To enquire into the expediency of adopting a general law on the subject of the bill;"

Which was adopted.

#### ORDERS OF THE DAY.

No. 1. A joint resolution reviving in part a certain act therein named ;

Was read a third time ;

And the question being,

Shall the joint resolution pass ?

The ayes and noes were demanded by Messrs. Moore and Osborn of Laporte.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Burns, Carr, Clements, Clymer, Coon, Cruikshank, Davis, Ellis, Endecott, Ferguson, Fuller, Hazelrigg, Henton, Jackson, Jones, Kimberlin, Lanius, Lemmonds, Logan, McCormack, Mickle, Monroe, Mooney, Moore, Osborn of Laporte, Osborn of Sullivan, Porter, Powers, Riley, Scott, Slater, Sleeth, Smith, Stapp, Taber, Tedford, Thompson, Vandever, Watt, Weber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, and Mr. Speaker—47.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Carter, Chambers, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Edwards, Ford, Hall of Gibson, Hall of Warren, Harvey, Henry, Herron, Hill, Hinchman, Huff, Julian, Kerr, Legg, Lewis, Lowe, McDonald, McRae, Meeker, Morrow, Nelson, Nofsinger, Parker, Pennington, Robinson, Rousseau, Ruby, Shanks, Stanfield, Stewart, Tomlinson, Webb, Wiley, and Yocum—46.

So said joint resolution passed.

No. 22. A bill to change the time of holding probate courts in Dubois county ;

Was read a third time and passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 16. A bill to legalize the official acts of John Nixon, school commissioner of Washington county ;

Was read a second time and referred to the judiciary committee.

No. 17. A bill for the relief of the heirs of William Pinnick, deceased, of Orange county ;

Was read a second time and referred to the committee on claims.

No. 19. A joint resolution on the subject of the inland seas of the western country ;



Was read a second time ; and

On motion,

Referred to a select committee of Messrs. Stapp, Henry and Chambers.

No. 20. A joint resolution to Congress in relation to the claim of Col. Francis Vigo, late of Knox county, Indiana ;

Was read a second and third times, the rules being suspended therefor, and passed.

No. 28. A bill for the relief of purchasers of school lands in Harrison county ;

Was read a second time, and referred to a select committee of Messrs. Vandever, Porter and Pennington.

No. 29. A bill to restrict the operation of an act, entitled, an act relative to the appointment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes, approved January 6th, 1845 ;

Was read a second time, and ordered to be engrossed.

No. 30. An act for the liquidation of the public debt ;

Was read a second time and referred to the committee on ways and means.

No. 31. An act repealing an act, entitled, an act providing for the fees of the auditor of Hancock county ;

Was read a second time, and ordered to be engrossed.

No. 32. An act abolishing the fee of the auditor of Jackson county for the entry and transfer of lands ;

Which was read a second time ; and

On motion by Mr. Secrest,

Referred to the judiciary committee with the following instructions :

“To enquire into the expediency of making it the general law of the State.”

No. 33. A bill to require the plaintiff to give security for costs in certain cases therein named ;

Which was read a second time, and referred to the committee on the judiciary.

No. 34. A bill to vacate the town plat of the town of New Charleston, in Jay county, Indiana ;

Which was read a second time and ordered to be engrossed.

No. 35. A bill to amend the 73d and 74th sections of the 53d chapter of the Revised Laws of 1843, relative to trespassing upon the lands of the United States ;

Was read a second time, and referred to the judiciary committee.

#### BILLS OF THE SENATE.

No. 1. A bill for the improvement of roads in certain counties ;

Was read a second time ; when

Mr. Cookerly moved to refer to the committee on roads with the following instructions :

"To enquire into the expediency of reporting a general law on the subject,"

Which motion prevailed.

No. 2. A bill to reduce the salary of the auditor of Sullivan county ;

Was read a second time, and ordered to a third reading.

No. 4. A bill authorizing the personal property of the estate of Lyman G. Bellamy, late of Allen county, deceased, to be sold at private sale ;

Was read a second time, and ordered to a third reading.

No. 5. A bill dissolving the bonds of matrimony between Ann B. Evans, and Joseph Evans:

Was read a second time.

Mr. Thompson moved to lay the bill upon the table ;

Which motion prevailed.

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

## WEDNESDAY MORNING, DECEMBER 10, 1845.

The House met pursuant to adjournment.

### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Julian,

A petition praying for a modification of the criminal code in regard to the crime of murder ;

Which was read and referred to a select committee of Messrs. Julian, Wise, and Legg.

By Mr. Logan,

A memorial from the county commissioners of the county of Pike, in regard to filling the vacancy that has occurred in the office of school commissioner of said county ;

Which was read and referred to the committee on education.

By Mr. Hall of Warren,

The petition of citizens of Warren county, for the relocation of a portion of a State road therein named ;

Which was read and referred to a select committee of Messrs. Hall of Warren, Lemmonds, and Vandever.

By Mr. Ferguson,

A petition to change the times of holding the courts in Clark county;

Which was referred to a select committee of Messrs. Ferguson, Sleeth, and Wiley.

By Mr. Parker,

The petition of Thomas Daniels and William Daniels.

Which was referred to a select committee of Messrs. Parker, Tomlinson, and Hinchman.

By Mr. Chambers,

The petition of Samuel Wilson and others;

Which was referred to a select committee of Messrs. Chambers, Wise, and Moore.

By Mr. Cookerly,

Five petitions from the voters of Lost creek township, Vigo county, in relation to certain matters therein named;

Which was referred to a select committee of Messrs. Cookerly, Wilson of Sullivan, and Carnan.

By Mr. Baker,

The petition of William Trafton and other physicians and surgeons of Evansville, praying for the passage of an act incorporating the Evansville Medical Society;

Which was laid upon the table.

By Mr. Tomlinson,

A petition praying that section 1st of chapter 4th of the acts of 1845, be modified or amended, so as to suit the suggestion in said petition mentioned;

Which was read and referred to the committee on the judiciary.

By Mr. Dowling,

A memorial from Sister St. Theodora, Mother Superior of the Sisters of Providence, at St. Mary's of the Woods, near Terre Haute;

Which was read and referred to the committee on corporations.

By Mr. Mickle,

The petition of sundry citizens of Wells county for certain purposes therein named;

Which was referred to the committee on education.

By Mr. Lowe,

The petition of sundry citizens of Brown and Monroe counties, for the passage of an act for the sale of the unsold portion of the saline lands in said county of Brown, and for other purposes therein described;

Which was referred to a select committee of Messrs. Lowe, Hill, and Coon.

By Mr. Baker,

The petition of Willard Carpenter, of Vanderburgh county, praying for relief as a purchaser of a certain lot (in Evansville) from the school commissioner of said county;

Which was referred to a select committee of Messrs. Baker, Fuller, and Meeker.

By Mr. Seawright,

The petition of sundry citizens of Clinton county, praying the passage of a law for the benefit of borrowers of the different trust funds of the State;

Which was read and referred to the committee on ways and means.

The Speaker laid before the House the following communication from the President of the State Bank.

STATE BANK,  
*Indianapolis, December 9, 1845.* }

*To the Honorable the*

*House of Representatives:*

The President of the State Bank in answer to a resolution of the House of Representatives of the 4th inst., requesting to be informed "What number of the branches of the State Bank have divided six per cent. on the capital stock, and what branches have not realized that amount, &c," would respectfully state that for the past year, ending the 31st October last, the following dividends were divided by the State Board, viz:

In the branches at Evansville and Bedford,  $6\frac{1}{2}$  per cent.

In the branch at Lawrenceburgh, 6 per cent.

In the branch at Vincennes, 7 per cent.

In the branch at Terre Haute,  $7\frac{1}{2}$  per cent.

In the branches at Madison, New Albany, and Lafayette, 8 pr. ct.

In the branch at Indianapolis,  $8\frac{1}{2}$  per cent.

In the branch at Fort Wayne,  $9\frac{1}{2}$  per cent.

In the branch at South Bend, 10 per cent.

In the branch at Richmond,  $10\frac{1}{2}$  per cent.

In the branch at Michigan City, 12 per cent.

And an extra dividend of 5 per cent. was at the last quarterly meeting of the State Board, declared in favor of the Lawrenceburgh, Lafayette, and Evansville branches, to be taken from their surplus funds, and paid to the stockholders in the sinking fund scrip, held by those branches, without calculating interest thereon.

Very respectfully,

J. MORRISON, *President.*

Which was,

On motion by Mr. Vandever,

Laid upon the table, and five hundred copies ordered to be printed, for the use of the members of the House.

Mr. McDonald from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee to which was referred a bill of the House, regulating the jurisdiction of justices of the peace, in the counties of Lake and Porter, have had the same under consideration, and directed me to report it back to the House with the following amendments, and recommend its passage.

Amend by adding to the second section, after the words 1843,

"*Provided*, That all suits now commenced, shall not be affected by the passage of the act;" I add to section 5, after the word passage and publication in the Indiana State Sentinel, "and it is hereby made the duty of the secretary of State to forward a certified copy thereof to the clerks of the circuit courts of each of the said counties of Lake and Porter."

This act to take effect from the time of the filing in the office of the clerk of the circuit court of said counties of Lake and Porter;

Which report was concurred in, and said amendments were adopted.

The bill referred to is,

No. 26. A bill regulating the jurisdiction of justices of the peace, in the counties of Lake and Porter;

Which was read a second time, and ordered to be engrossed.

The House then resolved itself into a committee of the whole, on

No. 21. A joint resolution to reduce the number of Senators and Representatives for the next five years, with Mr. Shanks in the chair, and after some time spent therein, the Speaker resumed the chair, and Mr. Shanks reported that the committee have had the same under consideration, and made one amendment thereto as follows:

"Strike out thirty-one, and sixty-two, and insert fifty and one hundred."

In which I am directed to respectfully ask concurrence of the House therein; and

On motion by Mr. Stapp,

The House adjourned until two o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Cookerly moved a call of the House;

Which was seconded.

After some time had elapsed therein,



Mr. Fuller moved that the further call be suspended;

Which was adopted.

Mr. Fuller moved that Mr. Hall of Gibson be excused attendance in the House for the present on the account of sickness;

Which was adopted.

Mr. McDonald moved that Mr. Rippey be excused attendance in the House for the present on the account of sickness;

Which was adopted.

Mr. Nelson moved that Mr. Snook be excused attendance in the House for the present on account of sickness;

Which was adopted.

The question pending at the last adjournment was,

"Shall the report of the committee of the whole be adopted?"

Messrs. Cookerly and Mickle demanded the ayes and noes on the concurrence of the report.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Bowman, Burns, Carnan, Carter, Chambers, Coon, Cox, Davis, Dole, Ellis, Endecott, Fuller, Hall of Warren, Hinchman, Huff, Jones, Kerr, Lanius, Lemmonds, Logan, McDonald, McRae, Mickle, Monroe, Mooney, Nelson, Osborn of Laporte, Parker, Pennington, Robinson, Rousseau, Seawright, Secrest, Shanks, Slater, Stewart, Tedford, Tomlinson, Turner, Webb, Webber, Wiley, Wilson of Noble, Yocum, and Mr. Speaker—47.

*Those who voted in the negative are,*

Messrs. Blackwell, Brumfield, Cameron, Clements, Coffin, Conduit, Cookerly, Cornelius, Cruikshank, Dowling, Edwards, Ford, Harvey, Hazelrigg, Henry, Herron, Hill, Jackson, Julian, Kimberlin, Leyman, Legg, Lewis, Lowe, McCormack, Meeker, Moore, Morrow, Nofsinger, Osborn of Sullivan, Porter, Powers, Rippey, Ruby, Sleeth, Smith, Stanfield, Stapp, Taber, Thompson, Vandever, Watt, Wilson of Marion, Wilson of Sullivan, and Wise—45.

So said report was concurred in, and

On motion by Mr. Stapp,

Said joint resolution No. 21,

Was referred to the select committee appointed on the apportionment.

Mr. Osborn of Laporte, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred the resolution instructing said committee to enquire into the expediency of providing by law for the conveyance of real estate, by aliens, and

to confirm titles, &c., have had that subject under consideration, and directed me to report the following bill, entitled, "An act to provide for the taking, holding, and transmitting of real estate by aliens, and for granting titles to real estate," and respectfully recommend its passage; and said committee ask to be discharged from the further consideration thereof:

No. 59. A bill to provide for the taking, holding, and transmitting of real estate by aliens, and for quieting titles to real estate:

Which was read a first time, and ordered to a second reading.

Mr. Tomlinson, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary have had the petition of Andrew Kennedy and others of the county of Delaware, praying that the second section of an act, approved January 13, 1844, which section provides that the sheriff of Delaware county shall not be allowed pay out of the county treasury for summoning witnesses to appear and give evidence to the grand jury, and directed me to report the accompanying bill and ask for its passage:

No. 60. An act repealing a bill therein named;

Which was read a first time, and ordered to a second reading.

Mr. Porter, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the joint resolution of the Senate, No. 2, legalizing the acts of Henry Strickland, a justice of the peace of Greene county, have had the same under consideration, and have directed me to report it back to this House without amendment:

No. 2. A joint resolution legalizing the acts of Henry Strickland, a justice of the peace of Greene county;

Which was ordered to a third reading on to-morrow.

Mr. Porter, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the bill of this House, No. 13, relative to probate courts in Jackson and Greene counties, have had the same under consideration, and have directed me to report it back without amendment:

No. 13. An act relative to probate courts in Jackson county ;  
Which was read a second time, and ordered to be engrossed for a third reading.

Mr. Riley, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred bill No. 9, entitled, "An act changing the time of holding the probate courts in the county of Allen, and for other purposes therein named," have had the same under consideration, and directed me to report back to the House said bill without amendment, and recommend its passage.

No. 9. A bill changing the time of holding probate courts in Allen county ;

Which was ordered to be engrossed for a third reading.

Mr. Riley, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred bill No. 25, entitled, "An act declaring a misprint in the Revised Statutes of 1843," have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage :

No. 25. An act declaring a misprint in the Revised Statutes of 1843 ;

Which was ordered to be engrossed for a third reading.

Mr. Osborn of Laporte, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred two petitions of one Aaron Stanton and others of Laporte county, and one of Hiram P. Holbrook and others of Laporte county, praying for a reduction of the appraised value of certain mills in said county, have had that subject under consideration, and directed me to report the following bill for the relief of Aaron Stanton and others, and respectfully recommend its passage, and said committee ask to be discharged from the further consideration thereof :

No. 61. A bill for the relief of Aaron Stanton and others ;  
Which was read a first time, and ordered to a second reading.

Mr. McDonald, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to which was referred a bill of the House supplemental to the twelfth article of the fortieth chapter of the Revised Laws of 1843, have had the same under consideration, and directed me to report it back to the House without amendment, and recommend its passage.

No. 10. A bill supplemental to the twelfth article of the fortieth chapter of the Revised Laws of 1843.

Which was ordered to be engrossed for a third reading.

Mr. Shanks, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to which was referred a petition of sundry voters of township four, in range five east, in Harrison county, praying the Legislature to pass a law forming a new school district in said township, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 62. A bill to authorize the trustees of congressional township number four south, range, number five east, in Harrison county, to change the district therein.

Which was read a first time and ordered to a second reading.

Mr. Nofsinger, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution directing them to enquire into the expediency of making tuition in the State University gratis to all, have had the same under consideration, and directed me to report, that it would be inconsistent with the object and character of said University, and therefore inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Hazelrigg, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the resolution of the House instructing them to enquire into the expediency of so amending the school law, that there shall be an annual instead of a semi-annual dividend of the school funds, have had that subject under consideration and directed me to report that it is inexpedient to legislate on that subject, and ask to be excused from the further consideration of the subject.

Which report was concurred in.

Mr. Carnan, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to which was referred a resolution directing them to enquire into the expediency of reducing the rate of interest on the surplus revenue fund and of increasing the fees of county auditors and treasurers, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on said subjects, and request to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Ferguson, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution of the House instructing them to enquire into the expediency of providing for the election of school township trustees upon the first Mondays of April in each year, have had that matter under consideration, and have directed me to report that they deem it inexpedient to alter the law upon that subject, and ask to be discharged from the further consideration of that subject.

Which report was concurred in.

Mr. Vandever, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred a resolution of the House relative to electing supervisors on roads on the first Monday in August, have had that subject under consideration and di-



rected me to report to the House that it is inexpedient to legislate on that subject, in which they ask the concurrence of the House.

Which report was concurred in.

Mr. Vandever, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred a resolution to enquire into the expediency of levying an additional road tax on non-resident lands, have had the same under consideration, and have directed me to report, that in their opinion, it is inexpedient to legislate upon the subject; in which they ask the concurrence of the House.

Which was concurred in.

Mr. Stapp, from the committee on the State Bank, made the following report:

MR. SPEAKER:

The committee on the State Bank, to which was referred the bill in relation to the bank tax fund, have had the same under consideration, and have authorized me to report the same with one amendment, in which the concurrence of the House is requested.

Which report was concurred in.

The bill referred to in the above is,

No. 25. An act in relation to the bank tax fund;

Which was ordered to be engrossed for a third reading.

Mr. Yocum, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Allen T. Rose and Samuel Miles, of the county of Clay, praying for the passage of a law directing that said petitioners shall be paid out of the treasury of said county for services heretofore rendered by them as examiners of teachers of common schools in said county, and also that provision may be made by law for the payment of such examiners in future, have had the matters referred to them under consideration and have directed me to report said petition back to the House and recommend that it be referred to the standing committee on education, having under charge the general subject of said petition.

Which was concurred in.

Mr. Cox, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of the county of Rush, to vacate a portion of Water street in the town of Rushville, beg leave to report, that the prayer of said petitioners should be granted in all things, and have directed me to report the following bill for the consideration of the House, and recommend its passage :

No. 63. A bill to vacate a part of Water street in the town of Rushville ;

Was read a first time, and ordered to a second reading.

Mr. Davis, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Peter Everhart and Hezekiah Mitchell, from the county of Scott, for the passage of a special act giving said petitioners the liberty to relinquish a part of said land, have had the same under consideration, and direct me to report the following bill, and respectfully recommend its passage :

No. 64. An act for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in Scott county ;

Which was read a first time, and ordered to a second reading.

Mr. Stanfield, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred a joint resolution instructing our Senators and requesting our Representatives in Congress to use their exertions to procure an appropriation for the improvement of the St. Joseph river, have had the same under consideration, and directed me to report the same back to the House, without amendment, and respectfully recommend its passage :

No. 45. A joint resolution instructing our Senators and requesting our Representatives to vote for an appropriation on the St. Joseph river ;

Which was ordered to be engrossed for a third reading.

Mr. Hill, from the select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Denis Wiley and other citizens of Jennings and Jefferson counties on

that subject, have directed me to report the following bill and respectfully recommend its passage :

No. 65. An act to attach certain territory therein named, to the county of Jennings ;

Which was read a first time, and ordered to a second reading.

Mr. Pennington moved to take from the table, bill

No. 5, of the Senate, a bill dissolving the bonds of matrimony between Anna B. Evans, and Joseph Evans ;

Which motion prevailed.

The said bill,

On motion,

Was read a second and third times,

The rules being suspended therefor, and passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion by Mr. Pennington,

*Resolved*, That the committee on ways and means be requested, when they report the revenue bill to raise a revenue for the next year, (1846,) to report a clause repealing the fine on delinquents for failing to pay their tax by a certain day.

On motion by Mr. Vandever,

*Resolved*, That a select committee to consist of one member from each county through which the New Albany and Vincennes road passes, be appointed by the chair to take into consideration the affairs and condition of that road, and if any legislation be necessary, to report the same to this House by bill or otherwise.

The Speaker appointed Messrs. Vandever, Monroe, Carnan, Clements, Porter, and Jones, said committee.

On motion by Mr. Secrest,

*Resolved*, That the committee on the judiciary be instructed to report a bill providing for taking the sense of the qualified voters of this State, at the next annual election, for and against calling a convention for an amendment of the constitution of this State.

On motion by Mr. Coffin,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of making all persons who voluntarily appear before the grand jury, and justices of the peace, as prosecuting witnesses, and at whose instance bills of indictment shall be found, responsible for the costs, where such bill or bills shall not be sustained, if in the opinion of the court trying the same, such witness or witnesses were actuated by malicious motives, and that they report by bill or otherwise.

On motion by Mr. Arnold,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of giving to justices of the peace exclusive jurisdiction in all criminal cases where they now by law have concurrent jurisdiction, with leave to report by bill or otherwise.

On motion by Mr. Clymer,

*Resolved*, That the committee on canals and internal improvements be instructed to enquire into the expediency and absolute necessity of reporting a bill repealing all laws authorizing the payment of canal tolls and water rents in canal scrip, commonly denominated "white dog" and "blue pup," and that hereafter said canal tolls and water rents shall be paid in par funds.

Which was adopted.

On motion by Mr. Lowe,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of transferring probate business to the circuit courts, and if expedient, whether on that account it be necessary to increase the number of circuits, and also of the expediency of adopting rule days, or of increasing the number of terms per year.

On motion by Mr. Nofsinger,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of amending so much of the 90th section of article 7 and chapter 12, of the Revised Statutes of 1843, as requires the delinquent list to be published in newspapers, and instead thereof, make it the duty of county auditors to post up three copies of said list in each township, and that the committee report by bill or otherwise.

On motion by Mr. Smith,

*Resolved*, That a select committee be appointed whose duty it shall be to enquire into the expediency of embodying in one bill the salaries and fees of State and county officers, with leave to report by bill or otherwise.

The Speaker appointed Messrs. Smith, Taber, Ellis, Lowe, Stanfield, and Vandever said committee.

On motion by Mr. Kimberlin,

*Resolved*, That Mr. Hilditch be tendered the use of this Hall on Friday next, 7 o'clock, P. M., for the purpose of delivering a free lecture on Phrenology and Moral Philosophy.

On motion by Mr. Stapp,

*Resolved*, That the Indianapolis Quartette Band have the use of the Hall of the House of Representatives for a musical entertainment on Tuesday evening of next week.

#### BILLS INTRODUCED.

By Mr. Monroe,

No. 66. A bill to establish an additional place of holding elections in Jackson township in Washington county.

By Mr. Tedford,

No. 67. A bill, an act to amend the 19th section of chapter 21st, Revised Statutes of 1843.

By Mr. Osborn of Laporte,

No. 68. A bill to amend section 175, chapter 47, Revised Statutes of 1843, relative to costs in appeal from justices of the peace.

By Mr. Arnold,

No. 69. A bill in relation to a contractor on the Madison and Indianapolis railroad.

By Mr. Parker,

No. 71. A bill to encourage the killing of wolves.

Which bills were each severally read a first time and ordered to a second reading.

Mr. Baker introduced,

No. 70. A bill to incorporate the Evansville Medical Society, and authorize said Medical Society to organize and establish a Medical College.

Which was read a first and second times, the rule being suspended, and referred to the committee on corporations.

Mr. Osborn of Laporte introduced,

No. 72. A bill in relation to appeals and writs of error on writs of *habeas corpus*.

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Cox asked leave to withdraw from the State Library files bill

No. 210. A bill for the relief of John Drummond.

Which was granted by the House.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

## THURSDAY MORNING, DECEMBER 11, 1845.

House met pursuant to adjournment.

### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Porter,

The petition of the citizens of township 4, south of range 3 east, in Harrison county;

Which was read and referred to a select committee consisting of Messrs. Porter, McRae, and Pennington.

By Mr. Osborn of Laporte,

The petition of sundry citizens of Laporte praying that certain matters therein set forth may be annexed to the 54th section of chapter 15 of the Revised Statutes;

Which was read and referred to the committee on education.



By Mr. Wise,

A petition from the commissioners of the county of Jefferson;  
Which was read and referred to the committee on ways and means.

By Mr. Julian,

A memorial from a number of persons for the formation of a Musical Institute at Hagerstown, Wayne county;

Which was referred to the committee on corporations.

By Mr. Clements,

A petition from sundry citizens of Daviess and Martin counties praying for the formation of a State road leading from Edwardsport, Knox county, to Harrisonville, in Martin county;

Which was referred to a select committee of Messrs. Clements, Watt, and Lewis.

By Mr. Wise,

The petition of John McIntire of the city of Madison and county of Jefferson;

Which was read and referred to a select committee consisting of Messrs. Wise, Chambers, and Henton.

Mr. Secrest, from the standing committee on ways and means, made the following report:

**MR. SPEAKER:**

The committee on ways and means, to whom was referred the bill of the House No. 24, entitled, "a bill to authorize the refunding of taxes in certain cases," have had the same under consideration, and have directed me to report said bill back to the House, and recommend its passage:

No. 24. A bill to authorize the refunding of taxes in certain cases;

Which was read a second time, and ordered to be engrossed for a third reading.

Mr. Secrest, from the standing committee on ways and means, made the following report:

**MR. SPEAKER:**

The committee on ways and means, to whom was referred a resolution of the House, directing said committee to enquire into the expediency of providing by law for a re-valuation of the real and personal property in this State, for the purpose of making a grand levy for State revenue, have had the said resolution under consideration, and have directed me to report the following bill, and recommend its passage.

No. 73. A bill to provide for the re-apportionment of real estate heretofore appraised and subject to taxation;

Which was read a first time, and ordered to a second reading.

Mr. Carter, from the standing committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred the resolution of this House, with instructions to enquire into the expediency of so amending the Revised Laws, as to abolish the offices of county collector and county assessor, and substitute instead, an officer or officers in each township, upon whom the duties of assessing and collecting for their respective townships shall devolve, have had the same under consideration, and instructed me to report, that it is inexpedient to legislate on that subject, and request to be discharged from the further consideration thereof :

On which report, on the question of its concurrence,  
Messrs. Osborn of Laporte, and Riley, demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Brumfield, Burns, Cameron, Carr, Carnan, Carter, Chambers, Clements, Clymer, Coffin, Coon, Cornelius, Cox, Dole, Endecott, Ferguson, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henton, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Leyman, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McDonald, Meeker, Mooney, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Pennington, Rippey, Robinson, Ruby, Seawright, Secrest, Shanks, Slater, Smith, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Webb, Wiley, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—68.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Conduit, Cookerly, Davis, Dowling, Edwards, Ellis, Ford, Fuller, Lanius, McRae, Mickle, Monroe, Moore, Parker, Porter, Powers, Riley, Rousseau, Sleeth, Tedford, Turner, Vandever, Watt, Webber, and Wilson of Marion—27.

So said report was concurred in.

Mr. Pennington moved to reconsider the vote just taken; on laying the report on the table ;

Which was not adopted.

Mr. Stanfield, from the standing committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred a resolution instructing them to enquire into the expediency of so amending the assessment law, that the lands shall be classed into three classes, and fixing a minimum price on each class as wood land ; and also to enquire into the expediency of assessing a road tax on personal property, equal to that assessed on real estate, have had the same under consideration, and have directed me to report that they deem any further legislation on that subject inexpedient, and that they be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Thompson, from the standing committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred a resolution instructing the committee to enquire into the expediency of amending 71st section of article 6th, chapter 12th of the Revised Statutes of 1843, so as to reduce the fees of the collectors of public revenue, &c., have had the subject under consideration, and have unanimously instructed me to report that further legislation upon that subject is uncalled for, and ask to be discharged from any further consideration of that subject.

Which report was concurred in.

Mr. Moore, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred a bill for the relief of James M. Pinnick and others, have had that subject under consideration, and have directed me to report it back without amendment, and recommend its passage :

No. 17. A bill for the relief of the heirs of William Pinnick, deceased, of Orange county ;

Which was read a second time, and ordered to be engrossed for a third reading.

Mr. Meeker, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of Robert

Martin and others of Fayette county, on the subject of a State road therein mentioned, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage :

No. 74. A bill to alter the width of a State road from Connersville to St. Omar;

Which was read a first time and ordered to a second reading.

Mr. Dowling, from a select committee, made the following report.

MR. SPEAKER:

The select committee to whom was referred the petition of Leonard Crawford, and the accompanying papers, asking a divorce from his wife Frances, have had the same under consideration, and have directed the accompanying bill to be reported to the House, and its passage recommended :

No. 75. A bill to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford;

Which was read a first time, and ordered to a second reading.

Mr. Hall of Gibson, from a select committee, made the following report :

MR. SPEAKER:

The select committee to whom was referred the petition of Vincent Barnett and others, have had the subject under consideration, and directed me to report a bill granting to the petitioners the relief asked for.

No. 76. A bill for the benefit of the inhabitants of township one, north of range ten west;

Which was read a first time and ordered to a second reading.

Mr. Taber, from a majority of a select committee, made the following report :

MR. SPEAKER:

A majority of the select committee to whom was referred the resolution enquiring into the expediency of consolidating the State land offices, now located at Peru and Delphi, have had the same under consideration, and have directed me to report that, in their opinion, and in the opinion of the General Superintendent, one officer could do and perform all the duties now performed in both offices, and by consolidating the offices, the salary of one officer, six hundred dollars, and office rent, and contingencies amounting to

two hundred dollars more, would be saved, and the public be as well accommodated. The land for the canal east of the Tippecanoe river is situated in the counties along the Wabash river, from Tippecanoe county to Allen county, and the land for the extension of said canal is situated in the counties of Jasper, Lake, Porter, White, Richardville, Tipton, Pulaski, Miami and Cass, and by locating the land office at Logansport, all the persons who have business at the office, will be as well accommodated as at present, and for this purpose I am directed to report the following bill:

No. 77. A bill to consolidate the land offices now located at Peru and Delphi;

Was read and ordered to a second reading.

Mr. Henton, from the minority of the same select committee, made the following report:

MR. SPEAKER:

The undersigned, being in the minority of the committee to whom was referred the resolution relative to the expediency of condensing the white and blue dog land offices, now located at Peru and Delphi, begs leave to dissent from said majority, as far as relates to the location of said offices at Logansport, and would further suggest, that the undersigned, after a careful examination of the plats and maps of said selected and located white and blue dog lands, is clearly of the conviction that the present location of said canal land office is as near central as any other point in said district, which will more fully appear with reference to the particular location of the different portions of said lands. The white dog lands are much the largest quantity. The first sale was in 1830, and is to be paid out in 1847. The next sale was in 1840 payable in ten years, the last sale was to be paid one-fourth down, and one-fourth per year until paid; interest paid on all one year in advance. There is near or upwards of 400,000 acres of white dog. It commences on the Ohio State line below Fort Wayne, 79 miles above Peru, and extends all along, at least every alternate section, to the mouth of Tippecanoe, 54 miles west of Peru. Some of said white dog canal land lies in Allen, Huntington, Noble, Whitley, Wabash, Miami, Cass, Carroll and White counties. 259,308 acres of blue dog canal land was selected in accordance with an act of Congress, passed February 27th, 1841, which was located as follows, to wit: about 64,736 acres west and northwest of range one west, about 46,750 from range two east, to 3, 4, 5 and 7, mostly 4, 5 and range 7 east. Flat Bellie's Reserve is in range 7 and 8, 20,205 acres, and about 119,163 acres in the Miami Reserve. And further, the undersigned would suggest, that there is now selected, mostly in said Miami Reserve, by order of the Governor, about 34 or 35,000 acres of blue



dog land, which selections are awaiting for the confirmation of Congress.

BENJAMIN HENTON.

Mr. Carter, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred a joint resolution of this House, relative to Michigan City Harbor, have had the same under consideration, and have directed me to report the same back to this House, and recommend its passage.

No. 44. A joint resolution relative to the Michigan City Harbor. Which was read a second and third time, (the rules being suspended therefor,) and passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Yocum, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred a petition from sundry citizens of Clay county, on the subject of a State road, have had that subject under consideration, and directed me to report the following bill and recommend its passage:

No. 28. An act declaring a county road a State road, in Clay county;

Which was read a first time and ordered to a second reading.

On motion by Mr. Seawright,

*Resolved*, That the committee on ways and means be requested to enquire into the condition of the three per cent. fund and report to this House how much is due the State, and also whether it is within the means of the State to redeem said fund.

Mr. Tomlinson offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of so amending the law as to make it the duty of each President Judge of the different circuit courts in this State to give charges to petit juries in each cause, and that said charge be made a part of the record in such cause, and that they be requested to report by bill or otherwise.

Which was not adopted.

On motion by Mr. Wiley,

*Resolved*, That the committee on elections be instructed to enquire whether there is any member of this House who has been a collector or receiver of public moneys of this State, who has not accounted for, and paid into the treasury of the State the same, as the constitution requires, and report by resolution or otherwise.

On motion by Mr. Burns,

*Resolved*, That the State Agent be requested to furnish at an early period to this House a statement identifying that portion of our State bonds for which the State has received a valuable consideration; also identifying that portion of our bonds for which the State has received partly a consideration, and how much; and also identifying that portion of our bonds for which the State has never received any consideration.

On motion by Mr. Harvey,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of repealing or amending the 65th section of the 54th chapter of the Revised Statutes of 1843, and that they report by bill or otherwise.

Mr. Mickle moved to reconsider the vote taken on referring a joint resolution on the subject of reducing the number of Senators and Representatives to the select committee on the subject of the apportionment.

Mr. Slater moved to lay the motion on the table.

Messrs. Cookerly and Clymer demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Bowman, Burns, Carnan, Carter, Coon, Cox, Davis, Dole, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Hall of Warren, Henton, Hill, Hinchman, Huff, Jones, Julian, Kerr, Lemmonds, Logan, Lowe, McDonald, McRae, Monroe, Mooney, Nelson, Osborn of Laporte, Osborn of Sullivan, Pennington, Riley, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Stewart, Tomlinson, Webb, Webber, Wiley, Yocum, and Mr. Speaker—49.

*Those who voted in the negative are,*

Messrs. Blackwell, Brumfield, Cameron, Carr, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cruikshank, Dowling, Edwards, Ford, Harvey, Hazelrigg, Henry, Herron, Jackson, Kimberlin, Lanius, Leyman, Legg, Lewis, McCormack, Meeker, Mickle, Moore, Morrow, Nofsinger, Porter, Powers, Rippey, Sleeth, Smith, Stanfield, Stapp, Taber, Tedford, Thompson, Turner, Vandever, Watt, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Wise—48.

So the motion of Mr. Mickle was laid on the table.

On motion by Mr. Clements,

*Resolved*, That the committee on ways and means enquire into the expediency of exempting from State and county tax forty acres of land to each and every individual in this State who may be seventy years of age and upwards, if he does not own more than one hundred and sixty acres.

On motion by Mr. Hazelrigg,

*Resolved*, That the Agent of State be required to communicate to this House, at the earliest time practicable, a detailed statement of the amount the office of Agent has cost the State during the past year. Also, what amount, in his opinion, that officer will be able to collect during the ensuing year, and from what claims.

On motion by Mr. Lane,

*Resolved*, That the Agent of State, at the same time that he makes his statement required by the resolution for that purpose, to identify the amount of State bonds given without consideration. Also, state the amount contracted, if any, without authority of law.

On motion by Mr. Hazelrigg,

*Resolved*, That the Trustees of the Indiana Deaf and Dumb Asylum be required to communicate to this House, at the earliest practicable period, a detailed statement of their acts as such trustees; also, such information and suggestions relative to the institution as they may think proper.

#### BILLS INTRODUCED.

By Mr. Stapp,

No. 79. A bill relating to mortgages;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. McDonald,

No. 80. A bill to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller;

Which was read a first time, and ordered to a second reading.

By Mr. Taber,

No. 81. An act to provide for the leasing of water power on the Wabash and Erie canal;

Which was read a first time, and ordered to a second reading.

By Mr. Osborn of Laporte,

No. 82. An act in relation to the Wabash and Erie canal;

Which was read a first and second times, the rules being suspended therefor,

When Mr. Vandever moved to lay the bill on the table; and

Mr. Pennington moved that five hundred copies be printed;

Which motions of Messrs. Vandever and Pennington were adopted.

By Mr. Baker,

No. 83. A bill to amend the twenty-ninth and thirtieth chapters of the Revised Statutes of 1843, and to repeal certain provisions therein contained;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Henry,

No. 84. An act regulating the fees of petit jurors in Hancock county;

Which was read a first time, and ordered to a second reading.

By Mr. Osborn of Laporte,

No. 85. An act declaratory of the meaning of an act entitled, "An act authorizing the commissioners of the Wabash and Erie canal east and west of Tippecanoe, to sell lands in tracts of forty acres," approved February 15, 1843;

Which was read a first time, and ordered to a second reading.

By Mr. Hall of Gibson,

No. 86. A bill to authorize the trustees for the Vincennes University to bring suit against the State, and for other purposes;

Which was read a first and second times, the rules being suspended therefor, and referred to the select committee of seven, to whom was referred the memorial on the same subject.

By Mr. Tomlinson,

No. 87. An act to amend the law regulating the practice in the eleventh judicial circuit;

Which was read a first and second times, the rules being suspended therefor, and referred to the judiciary committee.

By Mr. Baker,

No. 88. A bill to amend the 7th and 9th articles of the 30th chapter of the Revised Statutes of 1843;

Which was read a first and second times, the rules being suspended therefor, and referred to the judiciary committee; and

On motion by Mr. Fuller,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

House met.

Mr. Vandever, on leave being granted, made the following report:

MR. SPEAKER :

The select committee to whom was referred bill No. 28. for the relief of the purchasers of school lands in Harrison county, have had the same under consideration and have directed me to report said bill with one amendment, and respectfully recommend its passage.

Amend said bill by adding the following section:

SEC. 5. The provisions of this act shall extend to and be in force in the county of Orange; and the same provisions which are extended to the purchasers of school land in said counties, shall be and are

hereby extended to the purchasers of the French Lick saline lands in the county of Orange; and the commissioner of said saline fund in the county of Orange shall perform, in relation to purchasers of saline lands, all the duties required to be performed by township treasurers in relation to purchasers of school lands and in the same manner.

Which amendment was adopted, and said bill ordered to be engrossed.

#### ORDERS OF THE DAY,

No. 5. A bill declaratory of the meaning of the 29th section of the first article of the 45th chapter of the Revised Statutes of 1843.

No. 9. A bill changing the time of holding Probate Courts in Allen county.

No. 10. A bill supplemental to the twelfth article of the fortieth chapter of the Revised Laws of 1843.

No. 13. An act relative to the Probate Court of Jackson and Greene counties.

No. 23. A bill in relation to the Bank tax fund.

No. 25. A bill declaring a misprint in the Revised Statutes of 1843.

No. 26. A bill regulating the jurisdiction of Justices of the Peace in the counties of Lake and Porter.

No. 27. A bill to authorize the auditor of Gibson county to make a deed in a certain case therein named.

No. 31. A bill repealing an act entitled "An act providing for the fees of the auditor of Hancock county."

No. 34. A bill to vacate the town plat of the town of New Charlestown in Jay county, Indiana.

No. 43. A bill establishing a State road in the counties of Elkhart and St. Joseph.

No. 45. A joint resolution instructing our Senators and requesting our Representatives to vote for an appropriation on the St. Joseph river.

Were each severally read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

No. 29. A bill to restrict the operation of an act entitled "An act relative to the appointment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845.

Was read a third time; when

Mr. Baker moved to recommit the bill to the judiciary committee, with instructions to "enquire into the expediency of making the provisions of the bill general."

Which motion prevailed.



No. 2 (of the Senate.) A joint resolution legalizing the acts of Henry Strickland, a justice of the peace of Greene county,  
 Was read a third time and passed.  
*Ordered*, That the clerk inform the Senate thereof.

#### BILLS OF THE SENATE.

No. 2. A bill to reduce the salary of the auditor of Sullivan county;

No. 4. A bill authorizing the personal property of the estate of Lyman G. Bellamy, late of Allen county, deceased, to be sold at private sale;

No. 5. A bill dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans;

Were each severally read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

No. 31. A bill to extend the writ of garnishee in certain cases;

Was read a second time; when

Mr. Osborn of Laporte proposed the following amendments:

First. Amend the first section by striking out after the words "file with" in the 11th line, the words "the court issuing such execution or order of court," and insert the words "any court" in lieu thereof.

Second. Amend section 8, by adding the following: "And it shall be deemed good cause, if the person against whom said execution or order shall have issued shall prove by competent evidence that the money so due to him from said garnishee, is due to him for work or labor, and that the same is necessary for the support of himself or his family.

Mr. Secrest moved to indefinitely postpone the bill and amendments.

Mr. Rousseau moved to lay the bill upon the table and print one hundred copies thereof for the use of the House.

Which motion prevailed.

#### HOUSE BILLS ON SECOND READING.

No. 37. A bill to sell certain lots in Indianapolis,  
 Was read a second time and referred to the committee of ways and means.

No. 39. A bill dissolving the bonds of matrimony between James Hays of Perry county and Catharine Hays;

No. 40. A bill for the relief of certain purchasers of school lands in Vanderburgh county, therein named;

No. 41. A bill for the relief of Joseph Carpenter;

No. 42. A bill dissolving the bonds of matrimony between Ransom Gabbert and Eliza Gabbert;

No. 46. A bill to change the mode of electing county surveyor in the county of Orange;

No. 48. A bill for the relief of Victor Belen and Lambert Holder of Knox county;

No. 49. A bill to amend the 54th section of the 12th chapter of the Revised Statutes of 1843;

No. 51. A bill to repeal the second section of chapter forty-three, laws of 1843, and for other purposes;

Were each severally read a second time and ordered to be engrossed for a third reading.

No. 50. A bill to amend the first section of article first, chapter 42d, of the Revised Statutes of 1843;

Was read a second time and referred to a select committee of Messrs. Cookerly, Pennington and McRea.

The Speaker laid before the House a communication from his excellency, Governor Whitcomb, enclosing a communication from Charles Butler, Esq., the authorized agent of the holders of a large amount of State bonds.

Which was read; and,

On motion by Mr. Stapp,

Was laid upon the table; and,

On motion,

One thousand copies ordered to be printed for the use of the the House.

On motion by Mr. Secrest,

*Resolved*, That the communication from his excellency, the Governor, enclosing a communication from Mr. Butler, the agent of a portion of the holders of our State bonds, with accompanying documents, be referred to a select committee to consist of one member of this House from each judicial circuit, to act jointly with such committee as the Senate may appoint, to take the whole subject of said communications under consideration, and that said committee on the part of this House have leave to report by bill or otherwise.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 12, 1845.

House met pursuant to adjournment.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Taber,

A petition from the Wabash and Erie canal land purchasers in Cass county ;

Which was read and referred to the committee on canals and internal improvements.

By Mr. Carr,

A petition from sundry citizens of Jackson county, praying the Legislature to attach a certain amount of territory, (in the petition described,) in the county of Jackson, to the county of Lawrence ;

Which was read and referred to a select committee consisting of Messrs. Carr, Mooney and Carnan.

By Mr. Clements,

The petition of Alfred Davis and others of Daviess county ;

Which was referred to the judiciary committee.

By Mr. Taber,

A petition from sundry citizens of the county of Cass ;

Which was read and referred to the committee on canals and internal improvements.

By Mr. Sleeth,

The petition of sundry citizens of Shelby county to prolong the time of holding probate courts in said county ;

Which was referred to the judiciary committee ;

By Mr. Henry,

The petition of sundry citizens of Hancock county ;

Which was read and referred to a select committee consisting of Messrs. Henry, Riley and Stewart.

Mr. McDonald, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a resolution of the House instructing said committee to enquire into the expediency of appointing a reporter to report the decisions of the Supreme court, have had the resolution under consideration, and directed me to report that they deem it inexpedient to appoint one, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Riley, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred bill of the House No. 32, with instructions to enquire into the expediency of making the provisions of said bill the general law of the State, have had the same under consideration, and directed me to report back to the House said bill without amendment; and further to report that your committee are of opinion, that general legislation on that subject is inexpedient and unnecessary, and ask to be discharged from the further consideration of the same.

No. 32. An act abolishing the fee of the auditor of Jackson county, for the entry and transfer of lands ;

Which bill was,

On motion,

Amended by the addition of the counties of Lawrence, Ripley, Tippecanoe, Adams, Jay, and Hancock.

Mr. Baker moved to recommit the bill to a select committee ;

Which motion prevailed.

And the Speaker appointed Messrs. Baker, Thompson, and Mooney, said committee.

Mr. Sleeth, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution instructing said committee to enquire into the expediency of so amending the 171st section of the 30th chapter of the Revised Statutes, so that it shall be only necessary for the clerks of executors' and administrators' sales, to keep an account of the different articles sold, and the different amounts for which the same were sold, at such sales, and to whom sold, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage :

No. S9. A bill to amend the statutes regulating the duties of clerks of executors' and administrators' sales ;

Which was read a first time, and ordered to a second reading.

Mr. Hall of Gibson, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred sundry resolutions of this House, directing them to enquire into the expediency of rendering persons liable for costs who voluntarily appear before the grand jury as witnesses, where an indictment shall be

ound and which shall not be sustained in the final trial of the case, have had the subject under consideration, and have directed me to report, that in the opinion of your committee, public policy is against the enactment of such a law—timid persons, in some instances, would probably be deterred from prosecuting the guilty, if they were to be held liable for costs in the event of a failure of the prosecution. These considerations, in view of the fact that the law now in force affords an ample remedy against a person, who from malicious motives puts on foot a groundless prosecution, have brought your committee to the conclusion, that it is inexpedient to change the law in force on the subject set forth in said resolutions.

Which report was concurred in.

Mr. Porter, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred the bill of the House, No. 16, to legalize the official acts of John Nixon, school commissioner of Washington county, have had the same under consideration, and have made one amendment thereto, to-wit: by striking out from the latter part of the first section of said bill, the words "except in any case in which the validity of said acts have been called in question in courts of law;" and with this amendment, they recommend its passage;

Which report was concurred in,

And said bill was ordered to be engrossed for a third reading.

Mr. McDonald, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of the House, instructing the judiciary committee to enquire into the expediency of extending the jurisdiction of justices of the peace to the amount of two hundred dollars in action of debt, have had the same under consideration, and directed me to report that they deem it inexpedient to extend the jurisdiction of justices to that amount, and ask to be discharged from the further consideration thereof.

On which report,

On the question of its adoption,

Messrs. Moore and Tomlinson demanded the ayes and noes.



*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Cameron, Carnan, Carter, Clements, Clymer, Coffin, Cornelius, Cox, Cruikshank, Davis, Dowling, Ferguson, Fuller, Hall of Gibson, Harvey, Henton, Herron, Hill, Hinchman, Huff, Jackson, Julian, McDonald, Mickle, Mooney, Nelson, Osborn of Laporte, Pennington, Porter, Powers, Rippey, Robinson, Seawright, Secrest, Shanks, Sleeth, Smith, Stanfield, Stapp, Thompson, Tomlinson, Turner, Webb, Wiley, Wilson of Noble, Yocum, and Mr. Speaker—53.

*Those who voted in the negative are,*

Messrs. Carr, Chambers, Conduit, Cookerly, Coon, Dole, Edwards, Endecott, Ford, Hall of Warren, Hazelrigg, Henry, Jones, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McRae, Meeker, Monroe, Moore, Morrow, Nofsinger, Osborn of Sullivan, Parker, Riley, Rousseau, Ruby, Slater, Stewart, Taber, Tedford, Vandever, Watt, Webber, Wilson of Marion, Wilson of Sullivan, and Wise—44.

So the report was concurred in.

Mr. Riley, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of reporting a general law for the payment of grand and petit jurors, so that their *per diem* allowance shall not be less than one dollar, nor more than one dollar and twenty-five cents for each day's attendance in the circuit court, have had the same under consideration, and directed me to report legislation on that subject unnecessary, and ask to be discharged from the further consideration of that subject.

Mr. Carnan moved to re-commit the resolutions to a select committee.

On motion by Mr. Dole,

Said committee was instructed as follows :

Refer to a select committee, with instructions to enquire into the expediency of fixing the allowance to grand and petit jurors at 75 cents, with the privilege to the county commissioners to raise the same to any amount not exceeding one dollar and twenty-five cents.

Mr. Hazelrigg moved to amend the instructions as follows :

Strike out seventy-five cents and insert one dollar ;

Which was adopted.

The Speaker appointed Messrs. Carnan, Cookerly, Clymer, Hazelrigg, and Osborn of Laporte, said committee.

Mr. Sleeth, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House instructing said committee to enquire into the expediency of a law authorizing county auditors to acknowledge deeds and mortgages, have had the same under advisement and instructed me to report legislation on that subject inexpedient and unnecessary, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Carnan, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Knox, Greene, and Sullivan counties, praying that Thomas Carrico be authorized to erect a mill dam on Black Creek, in Greene county, have directed me to report the following bill, and ask that the same may be passed:

No. 90. A bill for the relief of Thomas Carrico of Knox county. Was read a first time and ordered to a second reading.

Mr. Julian, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Wayne county, praying for the abolition of capital punishment, have had the same under consideration and have instructed me to report the following bill, and recommend its passage:

No. 91. An act abolishing capital punishment.

Was read a first time and ordered to a second reading.

Mr. Seawright, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the resolution of the House, have had the same under consideration and ask to report the following bill, and ask the concurrence of the House:

No. 93. A bill allowing additional compensation to the grand and petit jurors of Clinton county.

Which was read a first time, and ordered to a second reading.  
Mr. Stapp, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred "No. 19. Joint resolution on the subject of the inland seas of the western country," have had the same under consideration and have made two amendments, in which amendments they ask the concurrence of the House.

Which amendments were adopted.

And said joint resolution ordered to be engrossed for a third reading.

On motion by Mr. Mooney,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the sixth section of the first article of chapter thirty-nine of the Revised Statutes of 1843, as to give said probate courts concurrent jurisdiction with the circuit courts in proceedings in foreign and domestic attachment, in all cases where executors, administrators, or guardians are plaintiffs or defendants, and to report by bill or otherwise.

On motion by Mr. Thompson,

*Resolved*, That the Auditor of State be directed to report to this House, as soon as possible, the precise amount of State bonds disposed of on account of the general system of the internal improvements of the State, exclusive of those sold on account of the Wabash and Erie canal, to whom sold, by whom sold, the amount received upon each bond, and the balance due on each bond separately and explicitly; state, also, the precise time and date of such sales, and if in his power, by whom such bonds are now holden.

On motion by Mr. Secrest,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing the 340th and succeeding sections of the 40th chapter, 12th article of the Revised Laws of 1843, so far as the same authorizes imprisonment for the non-payment of costs of continuances in ordinary cases, and in lieu thereof, make provision by law that judgment for costs be rendered, and execution issue in such cases.

On motion by Mr. Wilson of Marion,

*Resolved*, That the committee on education be instructed to enquire into the expediency of revising the laws on common schools, and if not expedient, what amendments they deem necessary so as to render the same more easily and generally understood, with leave to report by bill or otherwise.

On motion by Mr. Webber,

*Resolved*, That the committee on education be instructed to enquire into the propriety of so amending the laws on common schools, as

to authorize district trustees to administer the necessary oaths to teachers. Also, to enquire into the expediency of repealing section 102, article 5, chapter 15, of the Revised Statutes of 1843, and report by bill or otherwise.

#### BILLS INTRODUCED.

By Mr. Vandever,

No. 94. A bill to change the mode of appointing examiners of common school teachers in Orange county;

By Mr. Cox,

No. 96. A bill for the relief of John Drummond;

By Mr. McCormack,

No. 97. A bill to locate a State road in Tippecanoe county;

By Mr. Osborn of Laporte,

No. 98. A bill to vacate part of the addition to the town of Plymouth, in Marshall county;

By Mr. Clements,

No. 100. A bill to amend an act, entitled, an act to change the time of holding the probate courts in the county of Martin, approved January 13, 1845;

By Mr. Stanfield,

No. 101. A bill to change the name of Edward C. Hawkins;

By Mr. Lanus,

No. 102. A bill for the relief of the heirs of Michael Ross, deceased;

By Mr. Webb,

No. 103. A bill to modify the 30th section, chapter 16, of the Revised Statutes;

By Mr. Clymer,

No. 104. A bill increasing the per diem allowance of grand and petit jurors in certain counties therein named;

By Mr. Davis,

No. 105. A bill to repeal the 9th section of chapter 35, of the Revised Statutes of 1843;

By Mr. Wiley,

No. 106. A bill to repeal a certain act therein named;

By Mr. Vandever,

No. 107. A bill to change the mode of districting hands to perform labor on public roads in Orange county;

By Mr. Fuller,

No. 109. A bill to dissolve the bonds of matrimony between William Martin and Susan Martin, of Warrick county;

By Mr. Porter,

No. 112. A bill to amend a certain act therein named;

By Mr. Mickle,

No. 113. A bill to change the time of holding courts in Adams county;

By Mr. Arnold,

No. 114. A bill to repeal an act providing for the opening and repairing roads and highways and streams in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, approved January 31, 1843 ;

Were each severally read a first time, and ordered to a second reading.

By Mr. Coon,

No. 95. A bill to authorize the superintendent of the Wabash and Erie canal to settle with William Sill, of White county ;

Which was read a first and second times, (the rules being suspended,) and referred to the committee on canals and internal improvements.

By Mr. McDonald,

No. 99. A bill to repeal so much of the Revised Statutes of 1843, as requires marriage license to be issued by clerks of the circuit courts ;

Mr. Cookerly moved to reject the bill.

The ayes and noes were demanded by Messrs. Harvey and Thompson.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Brumfield, Burns, Cameron, Chambers, Coffin, Cookerly, Cornelius, Cox, Davis, Dowling, Endecott, Ferguson, Fuller, Hall of Warren, Harvey, Henton, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Legg, Lewis, Logan, Lowe, McRae, Meeker, Nelson, Nofsinger, Osborn of Sullivan, Parker, Pennington, Porter, Rippey, Robinson, Rousseau, Seawright, Secrest, Slater, Sleeth, Smith, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Webb, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Yocum—58.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Carr, Carnan, Clements, Clymer, Coon, Cruikshank, Dole, Edwards, Ford, Hazelrigg, Henry, Herron, Lanius, Leyman, Lemmonds, McCormack, McDonald, Mickle, Mooney, Moore, Morrow, Powers, Riley, Ruby, Shanks, Stanfield, Turner, Vandever, Watt, Webber, and Mr. Speaker—33.

So said bill was rejected.

The Speaker laid before the House the following communication :

INDIANAPOLIS, *December 12, 1845.*

MR. SPEAKER :

There was a resolution of the House of Representatives handed



to me this morning, calling for a report from the trustees of the deaf and dumb asylum.

I would inform you and through you, the House of Representatives, that the Senate called for our report on the 6th instant, and the report is now in the possession of that body.

I am, yours,

With great respect,

L. H. JAMESON,

*Secretary of Board.*

#### ORDERS OF THE DAY.

No. 17. An act for the relief of the heirs of William Pinnick, deceased, of Orange county ;

No. 24. A bill to authorize the refunding of taxes in certain cases ;

No. 28. A bill for the relief of purchasers of school lands in Harrison and Orange counties ;

No. 39. A bill dissolving the bonds of matrimony between James Hays of Perry county, and Catharine Hays ;

No. 40. A bill for the relief of certain purchasers of school lands (in Vanderburgh county,) therein named ;

No. 41. An act for the relief of Joseph Carpenter ;

No. 42. A bill dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert ;

No. 46. A bill to change the mode of electing county surveyors in the county of Orange ;

No. 48. A bill for the relief of Victor Belen and Lambert Holder of Knox county ;

No. 49. A bill to amend the 54th section of the 12th chapter of the Revised Statutes of 1843 ;

Were each severally read a third time and passed.

No. 51. An act to repeal the second section of chapter forty-three, laws of 1843, and for other purposes ;

Was read and committed to the committee on education.

#### BILLS ON SECOND READING.

No. 52. An act for the relief of purchasers of canal lands ;

No. 55. An act to amend the thirteenth section of chapter seven-two, page ten hundred and forty-seven, of the Revised Statutes of 1843 ;

No. 58. An act to amend section 128, chapter 35, article 4, of the Revised Statutes as far as relates to fees for services by guardians ;

No. 68. An act to amend section 175, chapter 47, Revised Statutes 1843, relative to costs on appeal from J. P. ;

Were each severally read a second time ; and,

On motion,

Referred to the judiciary committee.

No. 16. A bill to legalize the official acts of John Nixon, school commissioner of Washington county;

No. 53. A bill to prescribe the mode of selecting grand and petit jurors in the county of Hendricks;

No. 54. A bill to change the time of holding probate courts in the counties of Perry and Harrison;

No. 56. An act to amend an act, entitled, an act fixing the time of holding circuit courts in the 8th judicial circuit, in the State of Indiana, approved January 13, 1845;

No. 59. A bill to provide for the taking, holding and transferring of real estate by aliens, and for granting titles to real estate;

No. 60. An act repealing a bill therein named;

No. 62. A bill to authorize the trustees of congressional township No. 4, south range No. 5 east, in Harrison county, to change the district therein;

No. 63. A bill to vacate a part of Water street in the town of Rushville;

No. 64. An act for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in Scott county;

No. 66. An act to establish an additional place of holding elections in Jackson township, in Washington county;

No. 74. A bill to alter the width of a State road from Connersville, to St. Omar;

No. 75. A bill to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford;

No. 76. A bill for the benefit of the inhabitants of township one, north of range ten west;

No. 78. An act declaring a county road a State road, in Clay county;

No. 80. A bill to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller;

No. 84. An act regulating the fees of petit jurors, in Hancock county;

Which were each severally read a second time, and ordered to be engrossed for a third reading.

No. 57. A bill to encourage manufactures, was read a second time; and,

On motion,

Referred to the committee on corporations.

No. 61. A bill for the relief of Aaron Stanton and others, was read a second time; and,

On motion,

Referred to the committee of ways and means.

No. 65. A bill to attach certain territory therein named to the county of Jennings, was read a second time; and,

On motion by Mr. Stapp,

Laid upon the table.

No. 69. A bill in relation to a contractor on the Madison and Indianapolis railroad;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 71. An act to encourage the killing of wolves.

Mr. Vandever moved to amend as follows, "except prairie wolves."

Mr. Pennington moved to amend as follows, "Shall receive compensation out of the county treasury."

Mr. Thompson moved to strike out "State treasury," and insert "county treasury;"

Which several motions prevailed;

When Mr. Secrest moved to indefinitely postpone the whole matter;

Which was adopted.

No. 75. A bill to provide for the appraisement of real estate heretofore appraised, and subject to taxation.

Mr. Moore offered the following amendment.

SEC. 5. *And be it further enacted*, That it shall be the duty of the citizens of Owen county to make out a true list of their real estate, at the same time they make out a list of their personal property, and hand it in to the proper township assessor, whose duty it shall be to swear each person so handing in his list, that he has given in the true value of his property to the best of his knowledge and belief; and the assessor in Owen county, shall be governed in all other respects by the law now in force on that subject in said county.

On motion by Mr. Shanks,

Washington county was added.

Mr. Seawright moved that said appraisement shall be made every five years;

Which motion did not prevail.

Mr. Secrest then moved that the bill and amendments be referred to the committee of the whole, and made the special order of tomorrow 10 o'clock, A. M.;

Which was adopted.

No. 77. A bill to consolidate the land offices, now located at Peru and Delphi;

Was read a second time, when

Mr. Tedford offered the following amendment;

Strike out the word "Logansport," and insert the word "Delphi."

Mr. Dole then moved that the bill and amendment be referred to the committee on canals and internal improvements;

Which was adopted.

No. 81. An act to provide for the leasing of water power on the Wabash and Erie canal;

Was read a second time; and,

On motion by Mr. Cookerly,

Referred to the committee on canals and internal improvements.

No. 85. An act declaratory of the meaning of an act entitled "An act authorizing the commissioners of the Wabash and Erie canal east and west of Tippecanoe, to sell lands in tracts of 40 acres, and approved February 13, 1843;"

Which was read a second time; and,

On motion,

Referred to a select committee of Messrs. Osborn of Laporte, Dole, and Hall of Warren; and,

On motion by Mr. Seawright,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The Speaker laid before the House the following communication.

AUDITOR OF STATE'S OFFICE, }  
December 12, 1845. }

HON. JOHN S. SIMONSON,

*Speaker of the House of Representatives:*

SIR: The following resolution of the House has been received:

"Resolved, That the auditor of State be directed to report to this House, as soon as practicable, the precise amount of State bonds disposed of on account of the general system of internal improvement of this State, (exclusive of those sold on account of the Wabash and Erie canal) to whom sold, by whom sold, the amount received upon each bond, and the balance due on each bond separately; and explicitly state also, the precise time and date of such sales, and if in his power by whom such bonds are now holden."

In reply to this resolution, I would respectfully state, that tabular statements Nos. 1 and 2, appended to the last annual report from this office, contain all the information in relation to the sale of our State bonds, which it is in my power to furnish. Those statements show the numbers and amount of all bonds sold, on what account sold, the amount sold for, the rate of interest, the date of sale as nearly as can be ascertained, to whom sold, when sold, and the date of authority for the sale thereof; but as to the amount of losses sustained by the State, in consequence of the failure of individuals and corporations to comply with their contracts, this office is in possession of no information. The agent of State, who has had the superintendence of what is called our suspended debt, can alone fur-

nish the Legislature with reliable information as to such losses, both as to the aggregate amount thereof, and the particular bonds upon which the loss has accrued. A resolution addressed to that officer, would probably elicit the desired information as to this point. It is wholly beyond my power, and perhaps beyond that of any person, to state, by whom our State bonds are now held; they pass from hand to hand, in the same manner as negotiable instruments, and may, therefore, be in the possession of one person to-day, and a different person to-morrow.

I am very respectfully,

Your obedient servant,

HORATIO J. HARRIS,

*Auditor of State.*

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that they have passed the following engrossed bills thereof, as follows:

No. 8. A bill to legalize an election therein named, in the county of Crawford;

No. 13. A bill in relation to the Lawrenceburgh and Napoleon turnpike company;

In which the concurrence of the House of Representatives is respectfully requested.

The House then proceeded to act on the bills of the Senate.

#### SENATE BILLS.

No. 8. An act to legalize an election therein named, in Crawford county;

Was read a second time; and,

On motion by Mr. Thompson,

Was referred to a select committee of Messrs. McRea, Thompson and Huff.

No. 13. A bill in relation to the Lawrenceburgh and Napoleon turnpike company;

Was read a first time and ordered to a second reading.

Mr. Cookerly introduced the following bill:

No. 108. A bill to incorporate the Terre Haute Greys;

Was read a first and second time, (the rules being suspended therefor;) and,

On motion,

Referred to a select committee of Messrs. Cookerly, Pennington and Conduit.



Mr. Porter, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Harrison, relative to the re-appraisement and sale of school lands in said county, have had that subject under consideration, and have directed me to report the following bill:

No. 110. A bill to authorize a re-appraisement and sale of school lands in Harrison county;

Was read a first time and ordered to a second reading.

Mr. Parker introduced the following bill:

No. 111. A bill to establish a district court in the counties of Marion, Tippecanoe and Allen;

Was read a first and second time, (the rules being suspended therefor;) and,

On motion by Mr. Stanfield,

Laid on the table.

Mr. Coffin offered the following:

WHEREAS, By the 11th section of an act entitled "An act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute," approved January 1, 1842, it was provided in the acceptance that the grant of lands on the part of Indiana for the purposes specified in the above recited act, and was expressly understood on the part of the State of Indiana, between the contracting parties, and was thereby enacted, that should said grant of lands not be sufficient to complete the construction of said canal and defray all other expenses connected therewith, the citizens of this State should not be taxed in any way or manner to make up the deficiency necessary to complete said canal, or any part thereof, any law that might thereafter be passed to the contrary notwithstanding. Excepting, however, that the counties through which said canal might pass, might by petition or otherwise have a law passed levying a tax on their citizens, from time to time, to make up any deficiency there might be to finish said canal, after the proceeds of the grant of lands should be exhausted in such construction;

AND WHEREAS, By the first section of an act amendatory of the aforesaid recited act, approved February the 8th, 1843, it was enacted that the canal land scrip that had been before that time issued or might thereafter be issued, for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to the town of Terre Haute should be made receivable for all tolls, water rents and transit duties, upon all and every portion of the aforesaid canal from the Ohio State line to Terre Haute, which is in effect to tax the citizens of the State of Indiana. Therefore,

*Resolved*, That a select committee of five be appointed to enquire into the expediency of repealing so much of the first of the last re-

cited act as authorizes the receipt of the aforesaid canal land scrip for tolls, water rents and transit duties on the Wabash and Erie canal between the Ohio State line and Terre Haute, and that they report by bill or otherwise.

Which was adopted and referred to a select committee consisting of Messrs. Coffin, Cookerly, Julian, Carr and Mickle. And,

On motion by Mr. Vaudeveer,

The House adjourned until to-morrow 9 o'clock, A. M.

## SATURDAY MORNING, DECEMBER 13, 1845.

House met pursuant to adjournment.

The Speaker announced the following as the select committee on the communication of the agent of the bondholders of the State:

Messrs. Secrest, McCormack, Mooney, Blackwell, Huff, Harvey, Meeker, Taber, Osborn of Laporte, Carr, Tomlinson and Mickle.

### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Ferguson,

A memorial from the surviving directors of the Ohio and Indianapolis rail road company.

Which was read and referred to a select committee of Messrs. Ferguson, Davis and Mooney.

By Mr. Hazelrigg,

The petition of Charles White, President of the board of trustees for the Wabash college.

Which was read and referred to a select committee of Messrs. Hazelrigg, Stapp, Nofsinger, Dowling and Nelson.

By Mr. Dole,

The application of Thomas Wright for compensation for services and expenses in reclaiming fugitives from justice.

Which was referred to the committee on claims.

Mr. Sleeth, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the resolution of this House, instructing them to enquire into the expediency

of so amending the law respecting recorders' fees, that the recorder hereafter shall be allowed ten cents for every one hundred words for all papers which may be necessary to record, have considered the same, and directed me to report unfavorably to legislation thereon, and ask to be discharged.

Which report was concurred in.

Mr. Sleeth, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the resolution of this House instructing said committee to enquire into the expediency of so amending the practice act as to abolish all special pleading in law, have had the same under advisement, and directed me to report legislation thereon inexpedient, and ask to be discharged from a further consideration of the subject.

Which report was concurred in.

Mr. Sleeth, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of sundry citizens of the county of ——— requesting the General Assembly to modify, amend, or explain chapter 4th of the acts of 1844-'5, in relation to the duties of county treasurers in certain cases, have had the same under consideration, and instructed me to report that, in their opinion, said act is sufficiently explanatory, and already meets the wishes of said petitioners, and therefore deem legislation on the same unnecessary, and ask to be discharged from further consideration on the subject.

Which report was concurred in.

Mr. Shanks, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to which was referred a resolution of the House, directing them to enquire into the expediency of so amending the law respecting examiners of teachers of common schools that said examiners shall be required to take an oath faithfully to discharge their duties as such, and shall moreover be entitled to a reasonable compensation for their services; also, a peti-

tion from the county of Clay on the same subject, have had that subject under consideration and have directed me to report the following bill, and recommend its passage:

No. 115. A bill respecting examiners of teachers of common schools.

Which was read a first time, and ordered to a second reading.

Mr. Shanks, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to which was referred a resolution of the House instructing them to enquire into the expediency of abolishing the office of examiners of common school teachers, have had that subject under consideration and have directed me to report that in the opinion of your committee it is inexpedient to legislate on that subject.

Which report was concurred in.

Mr. Leyman, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the resolution instructing said committee to enquire into the expediency of repealing so much of the 107th section of the 5th article of the Revised Statutes of 1843, as requires teachers of district schools to keep a register of the names of all the children attending schools their ages, to state when they commence, the length of time they continued, with a table showing their said attendance, and also, the name of the parent or guardian of such children, have directed me to report that it is inexpedient to Legislate on the subject, and beg leave to be discharged from further consideration thereof.

Which report was concurred in.

Mr. Hazelrigg, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the resolution of the House instructing them to enquire into the expediency of so amending the school law as to render it less complicated and more easily understood, have had that matter under consideration, and directed me to report, that in the opinion of the committee, the best and surest way to secure a general and correct knowledge of the school law by the people generally, is to let it remain as it is,

until they shall have time to examine it thoroughly, and by so doing, it will be found that its provisions and details are much less complicated than is generally supposed by the superficial observer. The committee are aware that the length of the school law is complained of by many; but upon a close examination it will be found that none of its provisions can be dispensed with, without destroying the harmony and efficiency of the school system; and when we consider the important and diversified interests connected with our common school system, we must come to the conclusion that it would be difficult to devise any plan that would be less complicated, and at the same time, as efficient as the present.

The committee are also led to the conclusion that the greatest objection to the school law exists with those who manifest the greatest anxiety for an annual and continual change and addition to it, while the committee would recommend that the law be permitted to remain as it is, believing that permitting it to remain as it is, will be the surest way to have it well understood, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Seawright, from the committee on education, made the following report:

**MR. SPEAKER:**

The committee to whom was referred a petition of sundry citizens of Sullivan county, asking a change in the common school law in reference to district trustees in said county, have had the same under consideration and ask leave to report, that in the opinion of your committee, the whole common school law should be remodeled and changed, so that it would more fully carry out the meaning and intent of the law, your committee are of opinion that it would be inexpedient to add to or change any part of said law unless the whole law could be simplified and made less complex, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Carnan, from the committee on education, made the following report:

**MR. SPEAKER:**

The committee on education, to which was referred a petition of sundry citizens of Wells county, have had the same under consideration and have directed me to report the following bill and recommend its passage:

No. 116. A bill to authorize the trustees of congressional town-



ship twenty-eight north, range twelve east, in Wells county, to lay off a town.

Which was read a first time, and ordered to a second reading.

Mr. Logan, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the petition of the county commissioners of Pike county in relation to the school fund of said county, have had the same under consideration and directed me to report the accompanying bill, and recommend its passage:

No. 117. A bill to authorize the treasurer of Pike county to perform the duties of school commissioner.

Was read a first time, and ordered to a second reading.

Mr. Stewart from the committee on claims made the following report:

MR. SPEAKER:

The committee on claims to whom was referred a bill for the relief of Daniel Hayhuff, of Orange county, together with his petition and accompanying papers, have had the same under consideration, and a majority of said committee have instructed me to report said bill back and recommend its indefinite postponement.

Mr. Porter moved the report be laid on the table,

Which motion prevailed.

Mr. Wilson of Noble, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads have had bill No. 47 of the House, under consideration, together with the instructions, and have authorized me to report the same back to the House, without amendment, in which they ask the concurrence of the House.

No. 47. An act to extend an act entitled "An act to provide for a more efficient mode of expending the road tax in the several counties therein named, approved January 13, 1844," to the counties of Noble and Lawrence;

Which was ordered to be engrossed for a third reading.

Mr. Vandever from the committee on roads, made the following report:

MR. SPEAKER :

The committee on roads to whom was referred bill of the Senate No. 1, have had the same under consideration, and have instructed me to report the same back to the House, without amendment, and recommend its passage.

No. 1. An act for the improvement of roads in certain counties :  
Was read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Vandever from the committee on roads, made the following report:

MR. SPEAKER :

The committee on roads to whom was referred resolution No. 15 of the House, have had the same under consideration and have directed me to report the following bill, and recommend its passage.

No. 118. An act compelling the White Water Valley Canal Company, to make bridges :

Which was read a first time, and ordered to a second reading.

Mr. Dowling, on leave granted, offered the following resolution :

*Resolved*, That the agent of State be requested to report to this House, whether the State has or has not, in any manner, and how, approved or confirmed the sales of bonds made by the Fund Commissioners, at any time, on credit, and on which the State has sustained loss; and whether, in his opinion, the State is or is not legally and equitably liable for the payment of said bonds, in the hands of the present holders, and his reasons therefor;

Which was adopted.

The House then resolved itself into a committee of the whole, Mr. Carr being in the chair, on bill No. 73. "A bill to provide for the re-appraisement of real estate heretofore appraised, and subject to taxation," and after some time spent therein, the Speaker resumed the chair, and Mr. Carr reported that the committee have had the bill under consideration, and had directed him to report the bill back to the House with this amendment, and to respectfully request the concurrence of the House in the report :

"Add in the first section after the word 'counties,' the words 'or townships,' so as to read, 'the assessors of the several counties or townships;'"

Which report was concurred in.

Mr. Hazlerigg offered the following amendment;

"Amend the first section by adding after '1846,' the following words, 'and annually thereafter.'"

Mr. Cookerly moved that the amendment be laid upon the table;  
Which was adopted.

Mr. Vandever then moved that the rules be suspended, and the bill be read a third time;

Which motion prevailed,

And said bill,

No. 73. Was read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the agent of State, in answer to a resolution of the House, adopted for that purpose.

*To the Honorable the*

*Speaker of the House of Representatives :*

In reply to the resolution of the House of the 11th inst., requiring the agent of State to communicate a detailed statement of the cost of the office of Agent of State during the past year; also, what amount, in his opinion, he will be able to collect during the ensuing year, and from what claims.

The undersigned, Agent of State, has the honor to report that the office of agent of State, has cost the State during the past year \$2,329 95.

Which is composed of the following items:

Salary of Agent,	-	-	-	-	-	\$1000 00
Salary of Clerk,	-	-	-	-	-	400 00
Travelling expenses of Agent,	-	-	-	-	-	770 00
Postage, stationery, fuel, and office expenses,	-	-	-	-	-	159 95
						<hr/> \$2,329 95

While on the subject of the expenses of this department, I would take the liberty to suggest, that since all, or nearly all the warrants drawn upon the proceeds of the suspended debt, in the hands of the agent, have been paid off, so much less labor is left for a clerk to perform, that in my opinion his duties, at an allowance of half the present cost, might very prudently be devolved on the Auditor of State; and I would recommend therefore, that the books and papers pertaining to the agency, remaining at this place, and the duties of clerk, be transferred to the Auditor of State.

As to what may be collected during the ensuing year, much will depend upon whether sales are effected of the property we hold. From the lots at Jersey city, some \$50,000 or \$60,000 ought to be realized. The Perril farm in Ohio, and the lots in Buffalo ought to be disposed of. The notes of Books and Post of \$25,000 ought, and in all probability will be collected, and it is to be hoped that the claims against the Erie county Banks and Sherwood may still be adjusted in some way, by which we may realize some \$10,000.

My opinion is, that out of the suspended debt, (exclusive of the oil factory) about \$100,000 more or less will be realized; but whether it can be realized in the coming year, it is impossible to say.

In reply to the resolution requiring the agent, at the same time to furnish a statement of the State bonds given without consideration; also, the amount contracted, if any, without authority of law, I have the honor to report, that under a former resolution of the House, I am now preparing a full table, showing the number of bonds disposed of, when and to whom disposed of, at what price, and, as near as practicable, how much yet remains unpaid. The preparations of this table will require some time; but it shall be presented as soon as possible.

Respectfully,

M. G. BRIGHT, *Agent*.

Which was read; and

On motion by Mr. Hazelrigg,

Referred to the committee on public expenditures.

Mr. Julian, from the joint committee on the State Library, made the following report:

MR. SPEAKER:

The joint committee on the State Library, to whom was referred a resolution instructing said committee to enquire into the expediency of having the Legislative papers bound in a cheap style, have had the same under consideration, and find, from an examination of the manner in which said papers are at present kept, that they cannot be preserved as safely, nor rendered of such easy access, as if they were bound in the form of a volume, and arranged according to some regular order, either alphabetically or otherwise. They are extremely liable to be lost or mislaid; and the difficulty of preserving them safely and in proper order will continue to increase as their bulk becomes augmented from year to year; said committee would therefore report the following bill, and recommend its passage:

No. 119. An act providing for the better preservation of the Legislative papers;

Was read a first time, and ordered to a second reading.

Mr. Cookerly, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred bill No. 50, of the House, have had the same under consideration and directed me to report the same back to the House, without amendment, and respectfully ask its passage.

No. 50. A bill to amend the 1st section of article 1, chapter 42, of the Revised Statutes.

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Moore, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of citizens of Owen county, praying the repeal of a certain law therein named, have had said petition under consideration, and directed me to report the following bill in pursuance of said petition:

No. 120. A bill to repeal part of a certain act therein named;

Was read a first time, and ordered to a second reading.

Mr. Chambers, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Samuel Wilson, has had the same under consideration, and directed me to report a bill on that subject.

No. 121. A bill to vacate a certain State road in Jefferson county;

Was read a first time, and ordered to a second reading.

On motion by Mr. Edwards,

*Resolved*, That the committee on the judiciary enquire into the expediency of authorizing suits at law to be brought against the agent of any foreign Insurance Companies, residing in this State, by any person or persons who may have been insured by such company, through its said agent, in order to fix the liabilities of said company to such person or persons so insured, and to report by bill or otherwise.

On motion by Mr. Moore,

*Resolved*, That a select committee be appointed to enquire into the expediency of the county board of any county of this State appointing one of their body as a commissioner to lay out public money, with leave to report by bill or otherwise.

The Speaker appointed Messrs. Moore, Chambers, and Parker, said committee.

On motion by Mr. Harvey,

*Resolved*, That the committee on ways and means be instructed to enquire whether any amendments are necessary to be made to the 5th article of the 12th chapter of the Revised Statutes of 1843, so far as the same relates to the manner of collecting taxes, and the duties of county treasurers therein, and that said committee report by bill or otherwise.



On motion by Mr. Riley,

*Resolved*, That the report of the visitor of the State Prison be referred to the committee on the State Prison, and that said committee be instructed strictly to enquire into the discipline of the prison, the treatment of the prisoners, and the conduct of the late Superintendent toward the prisoners; that said committee be authorized to send for persons and papers, and that they report by bill or otherwise.

On motion by Mr. Lewis,

*Resolved*, That the committee on education be instructed to enquire into the expediency of repealing or amending the 141st section of chapter 35, of the Revised Statutes of Indiana, 1843, so as to give discretionary power to overseers of the poor, in the several townships in this State, whether they bind the master or mistress of an apprentice to give tuition to a certain extent, or suitable schooling for a certain length of time; overseers having regard to the supposed ability of said apprentice to take tuition.

On motion by Mr. Moore,

*Resolved*, That a select committee be appointed to enquire into the expediency and propriety of making verbal contracts for rent, as binding on the parties as a written one, where they have called on one or more witnesses to such contract, with leave to report by bill or otherwise.

The Speaker appointed Messrs. Moore, Tomlinson, and Wilson of Marion, said committee.

On motion by Mr. Smith,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of providing by law, that where witnesses are summoned to appear before grand jurors from other counties than that in which the grand jurors may be sitting, a bill of indictment found by said jury on their testimony, and no conviction upon the trial thereof, that they may be allowed a sufficient compensation to defray their expenses, (during the time of attending before said grand jurors, and the court trying the same,) with leave to report by bill or otherwise.

On motion by Mr. Wilson of Marion,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the two hundred and ninety-eighth section of the thirteenth article, of the forty-seventh chapter of the Revised Statutes of 1843, regulating the duties of constables, so that they may be required under a penalty, to make due returns of all writs or other process that may come into their hands, with leave to report by bill or otherwise.

On motion by Mr. Mooney,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the 309th section of the 10th article of chapter 40, of the Revised Statutes of 1843, that the affidavit of any disinterested person filed in any of the cases in said section specified, shall be presumptive evidence in all courts of the

matters and things contained in said affidavit, and to report thereon by bill or otherwise.

On motion by Mr. Monroe,

*Resolved*, That the Governor be requested, at as early a day as practicable, to lay before this House any communication between the Executive and the Superintendents or Managers of the State Prison, since the last session of the Legislature.

On motion by Mr. Stapp,

*Resolved*, That Professor Parnell have the use of this House, this (Saturday) evening, for the purpose of delivering a free lecture on political economy, connected with the division of time—of labor—the laws of exchange—currency, and the tariff.

On motion by Mr. Cruikshank,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of repealing so much of the 109th section, chapter 16, of the Revised Code, as allows land holders to work out their road tax in any other district than that wherein the land is located, and report by bill or otherwise.

On motion by Mr. Seawright,

*Resolved*, That the committee on claims, be instructed to enquire into the expediency of electing supervisors in the several districts in which they reside.

On motion by Mr. Cameron,

*Resolved*, That the State Auditor be requested to report to this House, at his earliest convenience, a *projet* of a law necessary to carry out the suggestions found in his report, page 42, to embrace the form of a deed to be used, making it the duty of the Auditor to procure a sufficient number of blank deeds for each county, and deliver the same to the county treasurer, at the time of his next annual settlement; also, to procure a sufficient register of deeds for taxes, in the form he may direct, to be forwarded to each county auditor when the laws and journals are distributed, said bill or *projet* to embody any other provisions deemed necessary by that officer; and,

On motion,

The House adjourned until two o'clock, P. M.

2 o'clock, P. M.

House met.

#### BILLS INTRODUCED.

By Mr. Cookerly,

No. 124. A bill to change the time of summoning petit jurors to

appear in the circuit court for Vigo county, and for other purposes therein named ;

By Mr. Stanfield,

No. 125. A bill to repeal the first section of an act amendatory of an act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute, approved February 8, 1843 ;

By Mr. Chambers,

No. 126. A bill to dissolve the bonds of matrimony between Jared Ryker and Thursy Ann Ryker ;

By Mr. Lanius,

No. 127. A bill to abolish the office of county auditor in Ohio county ;

By Mr. Cornelius,

No. 128. A bill declaring a certain road in the county of Dearborn a State road ;

By Mr. Jackson,

No. 129. A bill in relation to county orders ;

By Mr. McCormack,

No. 130. A bill to amend the 7th article of the 13th chapter of the Revised Statutes of 1843 ;

No. 131. A bill to abolish the office of county auditor in the county of Johnson ;

By Mr. Carr,

No. 132. A bill to legalize the election of Russell Mitchell, a justice of the peace in Pleasant Run township, in Lawrence county, and for other purposes ;

By Mr. Ferguson,

No. 133. A bill to amend an act entitled "An act in relation to the proceedings in the Probate courts," approved January 13th, 1845 ;

By Mr. Clymer,

No. 135. A bill for the relief of William J. Chaplin ;

By Mr. Osborn of Laporte,

No. 136. A bill to amend section 326, chapter 40, Revised Statutes 1843 ;

By Mr. Osborn of Laporte,

No. 137. A bill to amend the practice in chancery ;

Were each severally read a first time and ordered to a second reading.

By Mr. Conduit,

No. 122. A bill to provide for the election of township assessors, to define their duties, and for other purposes ;

Was read a first and second time, (the rules being suspended,) and referred to a select committee, consisting of Messrs. Conduit, Cook-erly, Porter, Endecott and Morrow.

By Mr. Rousseau,

No. 133. An act to amend the 7th section of chapter 72, of the acts of 1843, published with the Revised Statutes of 1843 ;

Was read a first time and ordered to a second reading.

By Mr. Henry,

No. 134. An act fixing the time of holding courts in the 5th judicial circuit;

Which was read a first and second time, (the rules being suspended,) and referred to a select committee, consisting of Messrs. Henry, Sleeth and Arnold.

Mr. Hill moved to take from the table bill

No. 65. An act to attach certain territory therein named to the county of Jennings.

Which motion prevailed.

Said bill was then read a second time and ordered to be engrossed for a third reading.

#### ORDERS OF THE DAY.

No. 16. A bill to legalize the official acts of John Nixon, school commissioner of Washington county;

No. 19. A joint resolution on the subject of the inland seas of the western country;

No. 53. A bill to prescribe the mode of selecting grand and petit jurors in the county of Hendricks;

No. 54. A bill to change the time of holding the Probate courts in the counties of Perry and Harrison;

No. 56. A bill to amend an act entitled "An act fixing time of holding circuit courts in the eighth judicial circuit, in the State of Indiana," approved January 13th, 1845;

No. 59. A bill to provide for the taking, holding and transmitting of real estate by aliens, and for quieting titles to real estate;

No. 60. A bill repealing an act therein named;

No. 62. A bill to authorize the trustees of congressional township number 4 south, in range number 5 east, in Harrison county, to change the districts therein;

No. 63. A bill to vacate a part of Water street in the town of Rushville;

No. 64. A bill for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in Scott county;

No. 66. A bill to establish an additional place of holding elections in Jackson township, in Washington county;

No. 74. A bill to alter the width of a certain State road from Connersville to St. Omar;

No. 75. A bill to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford;

No. 76. A bill for the benefit of the inhabitants of township one north, of range ten west;

No. 78. A bill declaring a county road in Clay county a State road;

No. 84. A bill regulating the fees of petit jurors in Hancock county;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 80. A bill to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller.

On the passing of the bill Messrs. Julian and Leyman demanded the ayes and noes.

Messrs. Osborn of Laporte, and Herron were excused from voting.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Brumfield, Burns, Chambers, Clymer, Cookerly, Coon, Cox, Davis, Dole, Dowling, Edwards, Endecott, Fuller, Hall of Warren, Hazelrigg, Henton, Hinchman, Huff, Jackson, Jones, Lanius, Logan, Lowe, McCormack, McDonald, Mickle, Monroe, Nofsinger, Osborn of Sullivan, Parker, Pennington, Powers, Rippey, Robinson, Ruby, Sleeth, Smith, Stapp, Taber, Thompson, Turner, Webb, Webber, Wilson of Noble, and Wilson of Sullivan—47.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Cameron, Carr, Carnan, Clements, Coffin, Cornelius, Cruikshank, Ferguson, Ford, Hall of Gibson, Harvey, Henry, Hill, Julian, Kerr, Leyman, Legg, Lewis, McRea, Meeker, Mooney, Moore, Morrow, Nelson, Porter, Seawright, Secrest, Shanks, Slater, Stanfield, Stewart, Tomlinson, Vandever, Watt, Wiley, Wilson of Marion, Wise, Yocum, and Mr. Speaker—41.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Tedford, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The committee on enrolled bills have compared the following enrolled bill with the engrossed, and find the same correctly enrolled:

No. 18. An act to provide for a special term of the Allen circuit.

#### SENATE BILLS.

No. 1. An act for the improvement of roads in certain counties; Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof; and,

On motion by Mr. Lanius,

The House adjourned until Monday morning, 9 o'clock.



## MONDAY MORNING, DECEMBER 15, 1845.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the auditor of State, containing a large number of the answers of county treasurers of various counties in the State, in answer to a resolution of the House, in reference to the State revenue, &c.

Mr. Moore moved that it be referred to the committee on ways and means;

Which was adopted.

Mr. Secrest moved to reconsider the vote just taken,

Which motion prevailed;

And said communication

Was then,

On motion of Mr. Secrest,

Laid upon the table.

## PETITIONS AND MEMORIALS PRESENTED.

By Mr. Carr,

The petition of J. B. Smith, former superintendent of the construction of the Indiana Penitentiary;

Which was referred to the committee on the State prison.

By Mr. Tedford,

A petition from sundry citizens of Carroll county, praying a law to tax non-resident's lands \$1,00 on the hundred dollars valuation for road purposes;

Which was referred to a select committee of Messrs. Tedford, Snook, and Leyman.

By Mr. Riley,

The petition of James Rutherford;

Which was referred to a select committee of Messrs. Riley, Sleeth, and Henry.

By Mr. Turner,

The petition of sundry citizens of Grant and Blackford counties, praying for the addition of territory in said petition mentioned;

Which was referred to a select committee of Messrs. Turner, Morrow, Mickle, Ford, and Riley.

By Mr. Stapp,

The petition of John R. Menledge;

Which was referred to the committee on canals and internal improvements.

By Mr. Osborn of Laporte,

The petition of Chapel R. Brown of Laporte county, in relation to

a certain road in the counties of St. Joseph, Laporte, Porter, and Lake;

Which was referred to the committee on roads.

By Mr. Tedford,

A petition from sundry citizens of Carroll county, asking an appropriation of White Dog, to assist in erecting a bridge across the Wabash and Erie canal, at Carrollton;

Which was referred to a select committee of Messrs. Tedford, Vandever, and Coon.

By Mr. Cornelius,

A petition for improving the breed of horses:

Which was referred to the committee on agriculture.

By Mr. Hazelrigg,

A petition for the establishing a new county, out of the counties of Parke, Putnam, and Montgomery;

Which was referred to a select committee of Messrs. Hazelrigg, Nelson, Bowman, Dowling, Seawright, Nofsinger, and Cameron.

By Mr. Cornelius,

A petition for the erection of swinging gates on county roads, in the county of Dearborn;

Which was referred to the committee on roads.

Mr. McDonald from the judiciary committee, made the following report:

**MR. SPEAKER:**

The judiciary committee to which was referred bill No. 35. "A bill to amend the 73d and 74th sections of the 53d chapter of the Revised Laws of 1843, relative to trespassing upon the lands of the United States," have had the same under consideration, and directed me to report the bill back to this House, with the following amendment, and recommend its passage;

"Amend by striking out the second section of the bill;"

And said bill, with the amendment, was ordered to be engrossed for a third reading.

Mr. Porter from the judiciary committee, made the following report:

**MR. SPEAKER:**

The judiciary committee to whom was referred a resolution of this House, instructing them to enquire into the expediency of reporting a bill authorizing the issuing of writs of ne exeat, have had the same under consideration, and have directed me to report the following bill:

No. 138. A bill to revive certain acts relative to writs of ne exeat;

Was read a first time and ordered to a second reading.

Mr. Porter from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the bill of the House No. 52, entitled, "An act for the relief of purchasers of canal lands, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Said bill No. 52,

Was ordered to be engrossed for a third reading.

Mr. Porter from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution on the subject of executions; and also, the bill of the House No. 55, "To amend the thirteenth section, of chapter seventy-two of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report, that they have amended said bill by striking it out from the enacting clause, and inserting in lieu thereof, the following;

(A new bill.)

Which report was concurred in.

Mr. Clements moved to amend as follows;

Strike out the 6th section.

Mr. Lowe moved to lay the bill and amendment on the table;

Which was adopted.

Mr. Osborn of Laporte, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred bill of the House No. 72, entitled "An act relative to appeals and writs of error in writs of habeas corpus," have considered the same, and directed me to report it back with the following amendments: strike out the words "appeals to and" in the 2d line of the 1st section, and insert after the words, "court, or" in the 4th line, the following "decision of any" so that it will read as follows: "That writs of error from the Supreme court shall extend to all judgments rendered by any court, or decision of any judge, on writs of habeas

corpus." Strike out the words "appeals and" in the title of said act, and recommend its passage, with said amendments. And said committee ask to be discharged from the further consideration thereof;

And said bill was ordered to be engrossed for a third reading.

Mr. Osborn of Sullivan, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred bill of the House No. 68, entitled "An act to amend section 175, chapter 47, Revised Statutes of 1843, relative to costs on appeals from justices of the peace," have considered the same, and instructed me to report it back without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

Said bill No. 68,

Was ordered to be engrossed for a third reading.

Mr. Hall of Gibson, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill to amend the 7th and 9th articles of the 30th chapter of the Revised Statutes of 1843, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and to recommend that said bill be indefinitely postponed;

Which report was concurred in.

Mr. Hall of Gibson, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution of this House, directing them to report a bill repealing the 34th section of the 1st article, of the 53d chapter of the Revised Statutes of 1843; and also to report a bill embracing the offences in said section defined, more specific in its character, have performed that duty, and now report a bill:

No. 139, "A bill to amend the 1st article of the 53d chapter of the Revised Statutes of 1843, and for other purposes;"

Which was read a first time, and ordered to a second reading.

Mr. Hall of Gibson, from the judiciary committee, made the following report:

MR. SPEAKER :

The committee on the judiciary to whom was referred a bill of this House No. 29, "A bill to restrict the operation of an act, entitled, an act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes, approved January 6th, 1845," with instructions to enquire into the expediency of passing a general law embracing the same subject, have had the subject under consideration, and have directed me to report that it is inexpedient to change the present law as to its general operation, and ask to be discharged from the further consideration of the subject;

Which said bill No. 29, was ordered to be engrossed for a third reading.

Mr. McDonald, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred a bill, No. 58, "to amend the 128th section of chapter 35, of the Revised Statutes of 1843, relative to fees for services as guardians," have had the same under consideration, and directed me to report the same back with the following amendment to the title of the bill, and recommend its passage:

Amend the title of the bill, by adding after the word section where it occurs in the title of the bill, the words ninety-two, and add an s to the word section where it occurs in the said bill, No. 58, with the amendment;

Was read a second time, and ordered to be engrossed for a third reading.

Mr. McDonald, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred No. 83, "A bill to amend the 29th and 30th chapters of the Revised Statutes of 1843, and to repeal certain provisions therein contained," have had the same under consideration, and direct me to report the bill back with the following amendment, and recommend its passage:

SEC. 5. That all reports of sales of real estate made by any exe-



cutor, administrator, or guardian, shall be prima facie evidence of the matters and things therein set forth ;

And said bill, No. 83, with the amendment,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. McDonald, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution instructing said committee to report a bill providing for taking the sense of the qualified voters of this State at the next annual election for and against the calling a convention to alter, revise, or amend the constitution of this State, have had the same under consideration, and direct me to report the following bill, and ask to be discharged from the further consideration thereof :

No. 140. An act to provide for taking the sense of the qualified voters of this State on the calling of a convention to alter, revise, or amend the constitution of this State ;

Which was read a first time, and ordered to a second reading.

Mr. Nelson, from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred a petition of sundry citizens of Tippecanoe county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage :

No. 141. A bill to allow owners of partnership fences to remove the same ;

Which was read a first time, and ordered to a second reading.

Mr. Ferguson, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Clark county, praying for a change of the time for holding circuit and probate courts in said county, have directed me to report the following bill, and respectfully recommend its passage :

No. 142. A bill changing the time of holding circuit and probate courts in Clark county ;

Was read a first time, and ordered to a second reading.

Mr. Carnan, from a select committee, made the following report :

MR. SPEAKER:

The select committee to whom was referred the resolution of the House, directing an enquiry into the expediency of fixing the allowance of grand and petit jurors at one dollar per day, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 143. An act regulating the compensation of grand and petit jurors ;

Was read a first time, and ordered to a second reading.

Mr. Mooney, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred bill No. 32, " abolishing the fee of the auditors of the counties of Jackson, Lawrence, Ripley, Tippecanoe, Adams, Jay and Hancock, for the entry and transfer of lands," have had the same under consideration, and directed me to report the same back without amendment, and respectfully recommend its passage, and ask to be discharged from the further consideration of the subject.

Mr. Huff offered the following amendment:

Amend by making it a general law, with the following amendment:

SECTION 1. The person wishing to have his or her deed recorded shall not be bound to have it transferred on the auditor's book.

SEC. 2. It shall be the duty of the auditor, in making out the assessor's and collector's books, to be governed by the recorder's books in regard to transfers.

Mr. Hazelrigg moved that the bill and amendment be laid upon the table.

Which was not adopted.

Mr. Hazelrigg moved that the bill and amendment be recommitted to the committee that reported it, with the following instructions:

"To provide for the validity of the conveyance without the transfer of the auditor, as heretofore required law."

Which was not adopted.

The question then recurring on Mr. Huff's amendment;

It was not adopted.

The question then being,

"Shall the bill be engrossed?"

Mr. Thompson offered the following amendment:

SEC. 3. Any person who wishes a deed recorded in the county of Perry shall not be bound to have land transferred on the auditor's books of said county;

But it shall be the duty of the auditor of said county, in making

out the assessor's and collector's books, to be governed by the recorder's books of said county, in regard to such transfers, and all deeds, transfers, and conveyances made shall be as valid when recorded by the recorder as if transferred in the auditor's books.

Which was adopted; and

On motion,

Dearborn, Spencer, Hancock, Marion, Putnam, Parke, and Owen counties were added to said amendment:

And said bill was ordered to be engrossed for a third reading.

The Speaker laid before the House a communication from M. G. Bright, State Agent, in answer to a resolution of the House;

Which was,

On motion by Mr. Clymer,

Laid on the table, and one thousand copies ordered to be printed.

On leave being given,

On motion by Mr. Pennington,

*Resolved*, That the use of the Hall of the House of Representatives be granted to the Indiana Colonization Society, for Wednesday evening next.

Mr. Moore, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred the resolution of this House, directing them to enquire into the expediency of the county board of any county of this State appointing one of their body as commissioner to lay out public money, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 144. A bill regulating the duties of county commissioners in this State;

Which was read a first time, and ordered to a second reading; and,

On motion by Mr. Cruikshank,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Osborn of Laporte, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution instructing said committee to enquire into the expediency of enacting a law establishing an uniform mode of doing county business, have considered the same, and a majority of said committee have instructed me to report legislation on that subject inexpedient.

Messrs. Stapp and Watt dissent from the above report.  
On the question of the House concurring in the report,  
Messrs. Secrest and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Brumfield, Burns, Carr, Clymer, Conduit, Coon, Cornelius, Cox, Davis, Ford, Hall of Gibson, Harvey, Hinchman, Huff, Jackson, Jones, Lanius, Lemmonds, Logan, McDonald, Mickle, Moore, Morrow, Osborn of Laporte, Osborn of Sullivan, Powers, Rippey, Robinson, Seawright, Shanks, Slater, Sleeth, Smith, Stanfield, Tomlinson, Turner, Webb, Wilson of Marion, and Wilson of Sullivan—40.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Bowman, Cameron, Carnan, Carter, Chambers, Coffin, Cookerly, Cruikshank, Dole, Dowling, Endecott, Hall of Warren, Hazelrigg, Henry, Henton, Herron, Hill, Julian, Kerr, Kimberlin, Leyman, Legg, Lewis, Lowe, McCormack, McRae, Meeker, Parker, Pennington, Riley, Ruby, Secrest, Stapp, Taber, Thompson, Vandever, Watt, Webber, Wiley, Wilson of Noble, Wise, and Mr. Speaker—44.

So said report was not concurred in.

Mr. Stapp moved that the report be laid upon the table;

Which was adopted.

Mr. Shanks gave notice that on to-morrow he would move that the order of business be so changed as that the order of the day shall be taken up on each day at two o'clock, P. M., if not sooner arrived at; and that it be commenced on each day where it had ended on the day previous.

On motion by Mr. Dowling,

*Resolved*, That the committee on the State Bank be instructed to enquire into the expediency and propriety of changing the time for selling lands mortgaged to the Sinking Fund, so that such sales shall not take place later than the second Monday in December of each year. Also, to enquire into the propriety of advertising the lands so subjected to sale in some newspaper published in the counties, having the greatest circulation, where said lands are located, or in the nearest newspaper thereto. And, also, to enquire further, whether lands hereafter mortgaged to said fund may not be sold at the court house door in the counties where the lands are situated, with leave to report by bill or otherwise.

On motion by Mr. Davis,

*Resolved*, That the committee on roads enquire into the expediency of so amending the road law that it shall not be the duty of supervisors to give receipts to resident citizens on the payment of road tax, and report by bill or otherwise.

On motion by Mr. Leyman,

*Resolved*, That the commissioner of the Wabash and Erie canal be instructed to make a report in detail to this House of his official acts and doings on said canal, at as early a day as practicable.

On motion by Mr. Blackwell,

*Resolved*, That the judiciary committee be required to enquire into the expediency of so amending the relief or appraisement law, that all contracts hereafter to be made shall be collected without any benefit of said law.

On motion by Mr. Dowling,

*Resolved*, That the committee on the State Bank be instructed to enquire whether the several branches of the State Bank of Indiana are in the habit of receiving the certificates of deposit drawn by each other, and whether the holders of such certificates are required to sell the same at a discount; and if so, what discount? Also, whether any of said branches are in the habit of discrediting each other, by refusing to receive such certificates of deposit; and that they report the result of such enquiry to this House.

On motion by Mr. Baker,

*Resolved*, That the committee on public expenditures be instructed to enquire into the expediency and probable cost of publishing all statutes of a general and public nature which may hereafter be enacted containing therein a provision that the same shall be in force from and after their passage, in some newspaper printed at Indianapolis, and requiring a copy of such newspaper to be forwarded to each of the clerks of the several circuit courts in this State.

On motion by Mr. Cox,

*Resolved*, That the committee on public expenditure be instructed to enquire into the expediency of making such additional allowance to Andrew Robb, of Madison county, as they may think right and just, for distributing the Revised Statutes of 1843, in the twelfth ju-



No. 138. A bill to revive certain acts relative to writs of ne exeat;

Was read a first time and ordered to a second reading.

Mr. Porter from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the bill of the House No. 52, entitled, "An act for the relief of purchasers of canal lands, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Said bill No. 52,

Was ordered to be engrossed for a third reading.

Mr. Porter from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution on the subject of executions; and also, the bill of the House No. 55, "To amend the thirteenth section, of chapter seventy-two of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report, that they have amended said bill by striking it out from the enacting clause, and inserting in lieu thereof, the following;

(A new bill.)

Which report was concurred in.

Mr. Clements moved to amend as follows;

Strike out the 6th section.

Mr. Lowe moved to lay the bill and amendment on the table;

Which was adopted.

Mr. Osborn of Laporte, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred bill of the House No. 72, entitled "An act relative to appeals and writs of error in writs of habeas corpus," have considered the same, and directed me to report it back with the following amendments: strike out the words "appeals to and" in the 2d line of the 1st section, and insert after the words, "court, or" in the 4th line, the following "decision of any" so that it will read as follows: "That writs of error from the Supreme court shall extend to all judgments rendered by any court, or decision of any judge, on writs of habeas

corpus." Strike out the words "appeals and" in the title of said act, and recommend its passage, with said amendments. And said committee ask to be discharged from the further consideration thereof;

And said bill was ordered to be engrossed for a third reading.

Mr. Osborn of Sullivan, from the judiciary committee, made the following report :

**MR. SPEAKER :**

The committee on the judiciary to whom was referred bill of the House No. 68, entitled "An act to amend section 175, chapter 47, Revised Statutes of 1843, relative to costs on appeals from justices of the peace," have considered the same, and instructed me to report it back without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

Said bill No. 68,

Was ordered to be engrossed for a third reading.

Mr. Hall of Gibson, from the judiciary committee, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred a bill to amend the 7th and 9th articles of the 30th chapter of the Revised Statutes of 1843, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and to recommend that said bill be indefinitely postponed ;

Which report was concurred in.

Mr. Hall of Gibson, from the judiciary committee, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred a resolution of this House, directing them to report a bill repealing the 34th section of the 1st article, of the 53d chapter of the Revised Statutes of 1843 ; and also to report a bill embracing the offences in said section defined, more specific in its character, have performed that duty, and now report a bill :

No. 139. "A bill to amend the 1st article of the 53d chapter of the Revised Statutes of 1843, and for other purposes ;"

Which was read a first time, and ordered to a second reading.

Mr. Hall of Gibson, from the judiciary committee, made the following report:

**MR. SPEAKER :**

The committee on the judiciary to whom was referred a bill of this House No. 29, "A bill to restrict the operation of an act, entitled, an act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes, approved January 6th, 1845," with instructions to enquire into the expediency of passing a general law embracing the same subject, have had the subject under consideration, and have directed me to report that it is inexpedient to change the present law as to its general operation, and ask to be discharged from the further consideration of the subject ;

Which said bill No. 29, was ordered to be engrossed for a third reading.

Mr. McDonald, from the judiciary committee, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred a bill, No. 58, "to amend the 128th section of chapter 35, of the Revised Statutes of 1843, relative to fees for services as guardians," have had the same under consideration, and directed me to report the same back with the following amendment to the title of the bill, and recommend its passage :

Amend the title of the bill, by adding after the word section where it occurs in the title of the bill, the words ninety-two, and add an s to the word section where it occurs in the said bill, No. 58, with the amendment ;

Was read a second time, and ordered to be engrossed for a third reading.

Mr. McDonald, from the judiciary committee, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred No. 83, "A bill to amend the 29th and 30th chapters of the Revised Statutes of 1843, and to repeal certain provisions therein contained," have had the same under consideration, and direct me to report the bill back with the following amendment, and recommend its passage :

**SEC. 5.** That all reports of sales of real estate made by any exe-

cutor, administrator, or guardian, shall be prima facie evidence of the matters and things therein set forth ;

And said bill, No. 83, with the amendment,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. McDonald, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution instructing said committee to report a bill providing for taking the sense of the qualified voters of this State at the next annual election for and against the calling a convention to alter, revise, or amend the constitution of this State, have had the same under consideration, and direct me to report the following bill, and ask to be discharged from the further consideration thereof :

No. 140. An act to provide for taking the sense of the qualified voters of this State on the calling of a convention to alter, revise, or amend the constitution of this State ;

Which was read a first time, and ordered to a second reading.

Mr. Nelson, from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred a petition of sundry citizens of Tippecanoe county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage :

No. 141. A bill to allow owners of partnership fences to remove the same ;

Which was read a first time, and ordered to a second reading.

Mr. Ferguson, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Clark county, praying for a change of the time for holding circuit and probate courts in said county, have directed me to report the following bill, and respectfully recommend its passage :

No. 142. A bill changing the time of holding circuit and probate courts in Clark county ;

Was read a first time, and ordered to a second reading.

Mr. Carnan, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the resolution of the House, directing an enquiry into the expediency of fixing the allowance of grand and petit jurors at one dollar per day, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 143. An act regulating the compensation of grand and petit jurors ;

Was read a first time, and ordered to a second reading.

Mr. Mooney, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill No. 32, "abolishing the fee of the auditors of the counties of Jackson, Lawrence, Ripley, Tippecanoe, Adams, Jay and Hancock, for the entry and transfer of lands," have had the same under consideration, and directed me to report the same back without amendment, and respectfully recommend its passage, and ask to be discharged from the further consideration of the subject.

Mr. Huff offered the following amendment:

Amend by making it a general law, with the following amendment:

SECTION 1. The person wishing to have his or her deed recorded shall not be bound to have it transferred on the auditor's book.

SEC. 2. It shall be the duty of the auditor, in making out the assessor's and collector's books, to be governed by the recorder's books in regard to transfers.

Mr. Hazelrigg moved that the bill and amendment be laid upon the table.

Which was not adopted.

Mr. Hazelrigg moved that the bill and amendment be recommitted to the committee that reported it, with the following instructions:

"To provide for the validity of the conveyance without the transfer of the auditor, as heretofore required law."

Which was not adopted.

The question then recurring on Mr. Huff's amendment;

It was not adopted.

The question then being,

"Shall the bill be engrossed?"

Mr. Thompson offered the following amendment:

SEC. 3. Any person who wishes a deed recorded in the county of Perry shall not be bound to have land transferred on the auditor's books of said county;

But it shall be the duty of the auditor of said county, in making



but the assessor's and collector's books, to be governed by the recorder's books of said county, in regard to such transfers, and all deeds, transfers, and conveyances made shall be as valid when recorded by the recorder as if transferred in the auditor's books.

Which was adopted; and

On motion,

Dearborn, Spencer, Hancock, Marion, Putnam, Parke, and Owen counties were added to said amendment:

And said bill was ordered to be engrossed for a third reading.

The Speaker laid before the House a communication from M. G. Bright, State Agent, in answer to a resolution of the House;

Which was,

On motion by Mr. Clymer,

Laid on the table, and one thousand copies ordered to be printed.

On leave being given,

On motion by Mr. Pennington,

*Resolved*, That the use of the Hall of the House of Representatives be granted to the Indiana Colonization Society, for Wednesday evening next.

Mr. Moore, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the resolution of this House, directing them to enquire into the expediency of the county board of any county of this State appointing one of their body as commissioner to lay out public money, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 144. A bill regulating the duties of county commissioners in this State;

Which was read a first time, and ordered to a second reading; and,

On motion by Mr. Cruikshank,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Osborn of Laporte, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution instructing said committee to enquire into the expediency of enacting a law establishing an uniform mode of doing county business, have considered the same, and a majority of said committee have instructed me to report legislation on that subject inexpedient.

Messrs. Stapp and Watt dissent from the above report,  
On the question of the House concurring in the report,  
Messrs. Secrest and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Brumfield, Burns, Carr, Clymer, Conduit, Coon, Cornelius, Cox, Davis, Ford, Hall of Gibson, Harvey, Hinchman, Huff, Jackson, Jones, Lanius, Lemmonds, Logan, McDonald, Mickle, Moore, Morrow, Osborn of Laporte, Osborn of Sullivan, Powers, Rippey, Robinson, Seawright, Shanks, Slater, Sleeth, Smith, Stanfield, Tomlinson, Turner, Webb, Wilson of Marion, and Wilson of Sullivan—40.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Bowman, Cameron, Carnan, Carter, Chambers, Coffin, Cookerly, Cruikshank, Dole, Dowling, Endecott, Hall of Warren, Hazelrigg, Henry, Henton, Herron, Hill, Julian, Kerr, Kimberlin, Leyman, Legg, Lewis, Lowe, McCormack, McRae, Meeker, Parker, Pennington, Riley, Ruby, Secrest, Stapp, Taber, Thompson, Vandever, Watt, Webber, Wiley, Wilson of Noble, Wise, and Mr. Speaker—44.

So said report was not concurred in.

Mr. Stapp moved that the report be laid upon the table;

Which was adopted.

Mr. Shanks gave notice that on to-morrow he would move that the order of business be so changed as that the order of the day shall be taken up on each day at two o'clock, P. M., if not sooner arrived at; and that it be commenced on each day where it had ended on the day previous.

On motion by Mr. Dowling,

*Resolved*, That the committee on the State Bank be instructed to enquire into the expediency and propriety of changing the time for selling lands mortgaged to the Sinking Fund, so that such sales shall not take place later than the second Monday in December of each year. Also, to enquire into the propriety of advertising the lands so subjected to sale in some newspaper published in the counties, having the greatest circulation, where said lands are located, or in the nearest newspaper thereto. And, also, to enquire further, whether lands hereafter mortgaged to said fund may not be sold at the court house door in the counties where the lands are situated, with leave to report by bill or otherwise.

On motion by Mr. Davis,

*Resolved*, That the committee on roads enquire into the expediency of so amending the road law that it shall not be the duty of supervisors to give receipts to resident citizens on the payment of road tax, and report by bill or otherwise.

On motion by Mr. Leyman,

*Resolved*, That the commissioner of the Wabash and Erie canal be instructed to make a report in detail to this House of his official acts and doings on said canal, at as early a day as practicable.

On motion by Mr. Blackwell,

*Resolved*, That the judiciary committee be required to enquire into the expediency of so amending the relief or appraisement law, that all contracts hereafter to be made shall be collected without any benefit of said law.

On motion by Mr. Dowling,

*Resolved*, That the committee on the State Bank be instructed to enquire whether the several branches of the State Bank of Indiana are in the habit of receiving the certificates of deposit drawn by each other, and whether the holders of such certificates are required to sell the same at a discount; and if so, what discount? Also, whether any of said branches are in the habit of discrediting each other, by refusing to receive such certificates of deposit; and that they report the result of such enquiry to this House.

On motion by Mr. Baker,

*Resolved*, That the committee on public expenditures be instructed to enquire into the expediency and probable cost of publishing all statutes of a general and public nature which may hereafter be enacted containing therein a provision that the same shall be in force from and after their passage, in some newspaper printed at Indianapolis, and requiring a copy of such newspaper to be forwarded to each of the clerks of the several circuit courts in this State.

On motion by Mr. Cox,

*Resolved*, That the committee on public expenditure be instructed to enquire into the expediency of making such additional allowance to Andrew Robb, of Madison county, as they may think right and just, for distributing the Revised Statutes of 1843, in the twelfth ju-

dicial circuit, and that they be authorized to hear such parol evidence as said Robb may send before said committee, with leave to report by bill or otherwise.

Mr. Henry offered the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the poor laws as to make it the duty of the overseers of the poor, upon receiving information that any person has come within the limits of their townships to reside, who will likely become a county charge, shall issue his warrant or order, commanding any constable forthwith to warn such person to depart such county, by reading such warrant or order, or by leaving a copy thereof at his or her place of residence, and make return of his doings therein, and such notice or warning shall prevent such person from from gaining a legal settlement in such county.

Which was not adopted.

Mr. Mickle offered the following resolution:

*Resolved*, That this House will, (the Senate concurring therein,) adjourn *sine die* on Monday the fifth day of January next.

Which was,

On motion by Mr. Stapp,

Laid upon the table.

On motion by Mr. Dole,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so changing the the probate law as to authorize the sale of the rents and profits of real estate for any term of time not exceeding ten years, whenever the same will sell for a sufficient amount to pay any balance against said estate, and required to be made out of said real estate.

Mr. Vandever introduced the following joint resolution:

No. 145. A joint resolution on the subject of procuring a law by Congress that where the 16th section in any congressional township cannot be sold for \$1 25 per acre, that other lands may be selected in lieu thereof;

Which was read a first time and ordered to a second reading.

#### BILLS INTRODUCED.

By Mr. Vandever,

No. 147. A bill in relation to the sale of saline lands in Orange county;

By Mr. Moore,

No. 151. A bill to amend the first article of the 50th chapter of the Revised Statutes of 1843;

By Mr. Rousseau,

No. 152. A bill to amend section 101 of the Revised Statutes of 1843;

By Mr. Osborn of Laporte;

No. 154. A bill to amend section — and repeal section 9, chapter 30, Revised Statutes of 1843, relative to wills made by married women;

By Mr. Taber,

No. 156. A bill for the relief of purchasers of canal lands lying in the county of Cass;

Which were each read a first time and ordered to a second reading.

Mr. Watt introduced bill,

No. 146. A bill to fix and establish the northern boundary line of Union county;

Which was read a first and second times, the rules being suspended,

And referred to a select committee of Messrs. Watt, Cruikshank, and Julian.

Mr. Parker introduced bill,

No. 148. A bill for the relief of the widow and children of Jesse Clinger, deceased;

Which was read a first and second times, the rules being suspended,

And referred to the committee on canals and internal improvements.

Mr. Stapp introduced bill,

No. 149. A bill to amend the 40th section of the 28th chapter of the Revised Laws of 1843;

Which was read a first and second times, the rules being suspended,

And referred to the judiciary committee.

By Mr. Hazelrigg,

No. 150. A bill for the relief of the borrowers of the school fund loaned in the several counties;

Which was read a first and second times, the rules being dispensed with,

And referred to the committee on education.

By Mr. Osborn of Laporte,

No. 153. A bill for the relief of Felix Ingoldsby;

Which was read a first, second, and third times, the rules being dispensed with, and passed.

*Ordered*, That the clerk inform the Senate thereof.

By Mr. Stapp,

No. 155. A bill to enable married women to acquire and hold separate property;

Which was read a first time; when,

Mr. Mickle moved to reject the bill,

The ayes and noes were demanded by Messrs. Mickle and Ford.



*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Cookerly, Endecott, Ford, Fuller, Lanius, Lemmonds, Lewis, McDonald, Mickle, Osborn of Sullivan, Rippey, Slater, Turner, Wilson of Noble, and Wilson of Sullivan—17.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Burns, Cameron, Carr, Carnan, Carter, Chambers, Clements, Clymer, Coffin, Conduitt, Coon, Cornelius, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Ferguson, Hall of Gibson, Hall of Warren, Harvey, Henry, Henton, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Leyman, Legg, Logan, Lowe, McCormack, McRae, Meeker, Monroe, Moony, Moore, Morrow, Osborn of Laporte, Parker, Pennington, Porter, Powers, Riley, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Sleeth, Smith, Stanfield, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Watt, Webb, Webber, Wiley, Wilson of Marion, Wise, and Mr. Speaker—75.

So said bill was rejected.

Mr. Fuller obtained leave to introduce the following resolution:

*Resolved*, That the House will, this day at 4 o'clock, go into the election of a Sergeant-at-Arms.

Mr. Baker moved to indefinitely postpone the resolution.

Mr. Cookerly moved to lay upon the table.

The ayes and noes were demanded by Messrs. Moore and Fuller.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Cameron, Carr, Carnan, Carter, Clements, Coffin, Conduit, Cookerly, Coon, Cornelius, Cox, Cruikshank, Dole, Dowling, Edwards, Ellis, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hunter, Herron, Hill, Hinchman, Huff, Jackson, Julian, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McDonald, McRae, Meeker, Mickle, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Sleeth, Smith, Stanfield, Stewart, Taber, Tedford, Thompson, Turner, Vandever, Watt, Webb, Wiley, Wilson of Noble, and Wilson of Sullivan—81.

*Those who voted in the negative are,*

Messrs. Chambers, Davis, Endecott, Ferguson, Fuller, Jones,

Monroe, Slater, Stapp, Webber, Wilson of Marion, Wise, and Mr. Speaker—13.

So said resolution was laid upon the table.

Mr. Smith introduced bill,

No. 157. A bill incorporating the Logansport and Rochester Michigan Road Company;

Which was read a first and second times, the rules being suspended,

And referred to the committee on corporations.

Mr. Parker moved to take from the table,

No. 111. A bill to establish a district court in the counties of Marion, Tippecanoe, and Allen;

Which motion was adopted.

Mr. Parker moved to amend the bill, by striking out of the 12th section, the following words, viz: "Shall be allowed and paid a yearly salary of the sum of six hundred dollars, payable quarterly, out of the State treasury;

Which was adopted.

Mr. Wilson of Marion, moved to amend by striking out the county of Marion;

Which was adopted; and,

On motion by Mr. Thompson,

Said bill was referred to the judiciary committee.

#### ORDERS OF THE DAY.

No. 47. A bill to extend an act entitled, An act to provide for a more efficient mode of extending the road tax in the several counties therein named, approved January 15th, 1844, to the counties of Noble and Lagrange;

No. 50. A bill to amend the 1st section of article 1st, chapter 42, of the Revised Statutes;

Were each read a third time and passed.

No. 65. An act to attach certain territory therein named to the county of Jennings;

Was read a third time; and

On motion by Mr. Chambers,

Laid upon the table.

#### SENATE BILLS.

No. 13. A bill in relation to the Lawrenceburgh and Napoleon Turnpike Company;

Was read a second time, and ordered to a third reading.

No. 89. A bill to amend the statute regulating the duties of clerks of executors' and administrators' sales;

No. 90. A bill for the relief of Thomas Carico, of Knox county;  
 No. 93. A bill allowing additional compensation to the grand and petit jurors, of Clinton county;

No. 94. A bill to change the mode of appointing examiners of common school teachers, in Orange county;

No. 96. A bill for the relief of John Drummond.

On the engrossing of the bill,

Mr. Julian moved a call of the House,

Which was seconded,

Messrs. Julian and Legg, after the call was suspended, demanded the ayes and noes on the engrossing of the bill.

*Those who voted in the affirmative are,*

Messrs. Brumfield, Burns, Carter, Chambers, Clymer, Cookerly, Coon, Cox, Davis, Dole, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Hazelrigg, Henton, Hinchman, Huff, Jackson, Jones, Kimberlin, Lanius, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Monroe, Moore, Osborn of Sullivan, Parker, Pennington, Powers, Rippey, Ruby, Sleeth, Smith, Stapp, Taber, Thompson, Turner, Watt, Webb, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—48.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Cameron, Carr, Car-nan, Clements, Coffin, Cornelius, Cruikshank, Dowling, Edwards, Ford, Hall of Warren, Harvey, Henry, Hill, Julian, Kerr, Leyman, Legg, Lewis, McRae, Meeker, Mooney, Morrow, Nelson, Nofsinger, Porter, Riley, Robinson, Seawright, Secrest, Shanks, Slater, Stewart, Tedford, Tomlinson, Vandever, Webber, Wiley, Wilson of Marion, and Wise—44.

So said bill, together with Nos. 89, 90, 93, and 94,

Were ordered to be engrossed for a third reading.

No. 91. An act abolishing capital punishment;

Pending the reading of the bill,

Mr. Baker offered the following amendment.

"That hereafter, any person convicted of the crime of murder, shall suffer death, or be imprisoned in the State prison, and kept at hard labor during life; and the jury enquiring of the guilt of any person accused of murder, shall fix the punishment to be inflicted upon the offender as in other criminal cases."

Mr. Osborn of Laporte moved that the bill and the amendment be referred to the judiciary committee;

Which was adopted.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

The President of the Senate has signed the following enrolled bills thereof ; and I am directed to report the same to the House, for the signature of the Speaker :

No. 2. An act reducing the salary of the auditor of Sullivan county ;

No. 5. An act dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans ;

Also, that the President of the Senate has signed the following joint resolutions thereof :

No. 1. A joint resolution upon the subject of improving the western rivers ;

No. 2. A joint resolution legalizing the acts of Henry Stricklin, a justice of the peace, of Greene county.

On motion by Mr. Vandever,  
The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, DECEMBER 16, 1845.

The House met pursuant to adjournment.

On motion by Mr. Cookerly,  
The journal of the preceding day was not read.

The Speaker laid before the House the following communication from the commissioner of the Wabash and Erie canal, in reply to a resolution of the House for that purpose.

INDIANAPOLIS, *December 15, 1845.*

*To the Speaker of the House of Representatives :*

SIR :—In reply to a resolution adopted by the honorable body over which you preside, as follows :

*Resolved*, That the commissioner of the Wabash and Erie canal be instructed to make report in detail to this House of his official acts and doings on said canal at as early a day as practicable."

I have to remark, that nothing is detaining the report, but the re-

ceipt of information from the Land Office at Peru. During the months of October and November, there is a large quantity of business transacted at that office in the way of receiving interests and payments on land heretofore sold, all of which is required to be reported to the Legislature. Hence the clerk labor in bringing up the books at the end of the year is immense, and can not be furnished short of fifteen or twenty days thereafter. The law requires reports to the 1st of December in each year, very unlike the remainder of the departments, the 31st of October ends the fiscal year in all the executive branches, and I would earnestly recommend that such should be the law for the future in canal operations, and these reports could be furnished as others are, at the beginning of the session in each year. This fact is mentioned for the reason, that some are not aware of the requirements of the present law.

I am aware, too, that the report is looked to with considerable interest, and will be furnished to the House at the earliest moment practicable.

With due respect, I am,

E. F. LUCAS.

Which was,

On motion by Mr. Hazelrigg,  
Laid upon the table.

On motion by Mr. Julian,

Messrs. Legg, Lewis, and Ruby, were added to the select committee on bill

No. 146. A bill to fix and establish the northern boundary line of Union county.

Mr. Hazelrigg,

The rules being suspended therefor,

Offered the following resolution;

*Resolved*, That the use of the Hall of the House of Representatives be tendered to Mr. Brown, principal superintendent of the deaf and dumb asylum, on Saturday evening next, at two o'clock, for the purpose of lecturing the pupils of said asylum in the presence of the members of the General Assembly.

Which was adopted.

The Speaker laid before the House a communication from the Auditor of State;

Which was referred to the judiciary committee.

Mr. Cookerly presented the remonstrance of ninety citizens of Lost Creek township, Vigo county, against the prayer of the petition of sundry citizens of the same township, asking official legislation relative to the school section of said township;

Which was referred to the committee to whom was given the petition containing the prayer of the citizens of the same township on the same subject.

Mr. Tomlinson presented the petition of sundry citizens of Henry



and Delaware counties, praying for the change of a State road therein named;

Which was referred to a select committee of Messrs. Tomlinson, Hinchman, and Parker.

Mr. Cruikshank, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred a resolution requesting said committee to enquire into the expediency of modifying or amending an act, entitled, "An act to confine voters to their own township, have had said resolution under consideration, and instructed me to report that they deem further legislation on that subject unnecessary, and ask to be discharged from the further consideration of the matter.

Which report was concurred in.

Mr. Cruikshank, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred a resolution requesting them to enquire into the expediency of electing supervisors in the respective districts in which they reside, have directed me to report, that they deem further legislation on the subject inexpedient, and ask to be discharged from the further consideration of the matter.

Which report was concurred in,

Mr. Secrest, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred bill No. 11, of the House, entitled, "A bill regulating the tenure of office of county treasurers hereafter to be elected," have had the said bill under consideration, and have directed me to report said bill back to the House without amendment, and recommend its passage.

Which said bill, No. 11,

Was read a second time; when,

Mr. Harvey moved to recommit the bill back to the committee on ways and means, with the following instructions:

"Amend the bill, so that it shall explicitly provide that the next county treasurers elect, shall take the office immediately upon the

expiration of the term of office of the present county treasurers ;”

Which motion was adopted.

Mr. Mickle moved also that the following instructions be added :

“ Enquire into the expediency of giving the treasurers longer time to give bond and qualify ;”

Which was adopted.

So said bill, with the instructions,

Were referred back to the committee on ways and means.

Mr. Secrest, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred a resolution of the House, instructing said committee to enquire into the expediency of amending so much of the 90th section of article 7, chapter 12, of the Revised Statutes of 1843, as requires the delinquent list to be published in newspapers, and instead thereof make it the duty of county auditors to post up three copies of said list in each township, with leave to said committee to report by bill or otherwise, have had that subject under consideration, and have directed me to report that said committee deem it inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Thompson, from the committee of ways and means, made the following report.

MR. SPEAKER :

The committee of ways and means, to which was referred a bill of the House, No. 37, entitled “ An act to sell certain lots in Indianapolis,” have had the same under consideration. The State of Indiana deriving her right to the lots mentioned in the preamble of said bill, by virtue of a decree in the Marion circuit court, obtained by the late agent of the surplus revenue fund in said county, by the foreclosure of a mortgage (executed by William R. Chapman) upon lot No. 7, of out-lot No. 39, adjoining the town of Indianapolis, as subdivided by John Wood ; also, the undivided one-fourth of lot No. 6, in square No. 51, in the said town of Indianapolis. Those lots, it appears, were mortgaged by said Chapman to secure a loan of \$243 33 of the surplus revenue in said county, and not having paid the amount of the mortgage as stipulated, a decree for the sale of the mortgaged premises was obtained in a due course of law to satisfy the mortgage. Upon the sale thereof the said agent became

the purchaser for the State at the price of \$116 66, leaving a balance upon the decree unsatisfied of \$126 67, exclusive of interest and all the costs of suit.

This bill authorizes the sale of said lots for the paltry sum of \$116 66, being the amount the agent gave, and by which sale the State would entirely lose the \$126 67, the balance of the loan to Chapman and interest thereon, and costs of suit as aforesaid. The only material question that forces itself upon the consideration of the committee is, shall the State authorize the sale of these lots for what they cost the State? or will the State defend the sale and endeavor to realize the amount for which they were mortgaged? Those hereabouts who are disposed to speculate upon the distressed and embarrassed condition of the State, will urge us to sell them by all means for the \$116 66 and lose the \$126 67. But those who have any desire to husband our funds, and anxiously seek to secure all we can of our insecure debts, most earnestly advise you not to authorize the sale of those lots as provided in the bill, from a full persuasion that the time is not distant when those lots will most certainly sell for much more than the amount of the mortgage, interest and costs of suit.

We are supported in the opinion by the rapid increase of the value of real estate in Indianapolis, and from the certain fact that its value will doubly increase upon the completion of the Madison and Indianapolis railroad to Indianapolis, which will be in the course of the ensuing year. The above premises considered, your committee have unanimously instructed me to report the bill without amendments, and recommend its indefinite postponement, in which the concurrence of the House is respectfully asked.

Mr. Webber moved that the bill and report be recommitted to the committee on the affairs of the town of Indianapolis;

Which motion did not prevail.

Said bill, No. 37, was indefinitely postponed.

Mr. Hazelrigg, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred bill of the House No. 150, entitled "An act for the relief of the borrowers of the school fund loaned in the several counties," have had that subject under consideration and directed me to report it back to the House and recommend its passage, and ask to be discharged from the further consideration of the subject.

Said bill was read a second and third times, the rules being suspended therefor, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hall of Gibson, from a select committee, made the following report:

MR. SPEAKER:

The select committee of seven, to whom was referred the memorial of James Boswell, John Arbuthnot and about eleven hundred others, on the subject of the seminary township of lands in Gibson county, and to whom was also referred a bill of this House entitled "No. 86. A bill to authorize the board of trustees of the Vincennes University to bring suit against the State of Indiana, and for other purposes," to test the right of said board of trustees to said township of land, have had the subject under consideration, and so far as said bill is concerned, have directed me to report the same back to the House and recommend its passage.

Mr. Lowe dissented from the above report.

Mr. Lowe moved to lay the bill and report upon the table;

Which was adopted.

Mr. Hinchman, from a select committee, made the following report:

MR. SPEAKER:

The resolution of the House, referred to a select committee, consisting of one member from each judicial circuit, to enquire into the expediency of so amending the road law as to make it uniform throughout the State, and report by bill or otherwise, have instructed me to report to this House that they deem it inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of said resolution.

Which report was concurred in.

Mr. McRea, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred bill No. 8, of the Senate, entitled "A bill to legalize an election therein named, in Crawford county," have considered the same and directed me to return said bill to the House and recommend its passage.

Which said bill, No. 8, was read a second and third times, the rules being suspended therefor, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hall of Warren, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Warren county, praying for the establishing of a certain State road therein named, have had the same under consideration, and have directed me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration of the same:

No. 158. A bill to establish a certain State road therein named, in Fountain county;

Was read a first time, and ordered to a second reading.

Mr. Cookerly, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Nancy Casto, asking a divorce from Jonathan Casto, her husband have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 159. A bill to divorce Nancy Casto from Jonathan Casto, her husband;

Was read a first time, and ordered to a second reading.

Mr. Cookerly, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred bill No. 108, of the House, have had the same under consideration, and have instructed me to report the same back and ask its passage.

No. 108. A bill to incorporate the Terre Haute Greys;

Was read a second and third times, the rules being suspended therefor, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Shanks, according to notice given on yesterday, offered the following resolution:

*Resolved*, That the order of business be so changed that the orders of the day shall be taken up at two o'clock of each day, if not arrived at sooner in the order of business, and that the order of business be commenced each day where it was left off the previous day.

Which was adopted.

On motion by Mr. Seawright,

*Resolved*, That the judiciary committee enquire into the expedi-



ency of so amending the law that persons filing claims in probate courts shall be allowed interest on the same; and also, authorizing administrators or executors to cancel notes or accounts where they are known to be just and estates are solvent, and report by bill or otherwise.

#### BILLS INTRODUCED.

By Mr. Stanfield,

No. 160. A bill authorizing the county board of St. Joseph county to employ a physician for the poor;

By Mr. McDonald,

No. 161. A bill relative to costs of transcripts;

By Mr. Hazelrigg,

No. 162. An act to repeal an act entitled, "An act to confine voters to their respective townships," approved January 13, 1845, so far as relates to the county of Boone;

By Mr. Leyman,

No. 163. A bill for keeping canal bridges in repair;

By Mr. Ford,

No. 164. A bill for the relief of the purchasers of school lands in Randolph county;

By Mr. Kimberlin,

No. 165. An act to change the name of Aberdeen town, in Hamilton county;

By Mr. Lanius,

No. 166. An act to amend an act entitled, "An act to incorporate the Vevay and Napoleon and other turnpike companies," approved January 13, 1845;

Were each severally read a first time, and ordered to a second reading.

#### ORDERS OF THE DAY.

Bill of the Senate,

No. 13. An act in relation to the Lawrenceburgh and Napoleon turnpike company;

Was read a third time, and passed.

No. 29. A bill to restrict the operation of an act entitled, "An act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845.

No. 32. An act abolishing the fees of the auditors of Jackson, Lawrence, Ripley, Tippecanoe, Adams, Jay, and Hancock counties, and for other purposes.

On motion by Mr. Moore,

The county of Owen was stricken out of the bill.

Mr. Secrest moved to refer to a select committee with instructions to strike out the county of Putnam.

Mr. Osborn of Laporte, offered the following:

Amend instructions so that when there are two or more pieces of land in a deed the county auditor may charge three cents for each transfer and entry, and no more, and when there is but one piece, said auditor may charge six and one-fourth cents, and no more: and further, said auditor shall charge and collect the same as he does his fees for making duplicates, and other services; strike out so much of the bill as dispenses with the necessity of making the transfer.

Which were not adopted.

Mr. Secrest withdrew his motion to refer.

Mr. Vandever moved to re-consider the vote ordering the bill to be engrossed for a third reading.

Pending this motion,

Mr. Pennington moved that the House adjourn;

Which motion prevailed.

2 o'clock, P. M.

House met.

Mr. Fuller moved a call of the House;

Which was not seconded.

The question pending previous to the adjournment was on reconsidering the vote ordered on the engrossment of the bill.

Messrs. Cookerly and Brumfield demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Bowman, Cameron, Carr, Carnan, Clymer, Coffin, Coon, Cornelius, Cruikshank, Ellis, Endecott, Fuller, Hazelrigg, Herron, Jones, Kimberlin, Lemmonds, Lewis, Logan, McDonald, McRae, Meeker, Mickle, Moore, Morrow, Nelson, Osborn of Sullivan, Powers, Riley, Rippey, Rousseau, Seawright, Secrest, Shanks, Sleeth, Stanfield, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—49.

*Those who voted in the negative are,*

Messrs. Blackwell, Brumfield, Burns, Chambers, Conduit, Cookerly, Cox, Davis, Dole, Dowling, Edwards, Ford, Hall of Warren, Hen-

ry, Henton, Hinchman, Huff, Julian, Kerr, Legg, McCormack, Mooney, Nofsinger, Parker, Pennington, Porter, Robinson, Ruby, Slater, Smith, Stapp, Stewart, Taber, Thompson, Tomlinson, and Wise—36.

So said vote was reconsidered.

Mr. Mickle moved to reconsider the vote adding Putnam county to the bill.

Said motion prevailed.

The question then being,

“Shall the bill be amended by adding the county of Putnam?”

The ayes and noes were demanded by Messrs. Cookerly and Brumfield.

*Those who voted in the affirmative are,*

Messrs. Blackwell, Brumfield, Conduit, Cookerly Cornelius, Cox, Dole, Edwards, Ford, Hall of Warren, Hazelrigg, Hinchman, Huff, Kerr, Legg, Lewis, McRea, Mickle, Mooney, Parker, Pennington, Porter, Ruby, Smith, Stapp, Stewart, Thompson, Tomlinson, and Turner—29.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Bowman, Burns, Cameron, Carr, Chambers, Clymer, Coffin, Coon, Cruikshank, Davis, Ellis, Endecott, Fuller, Hall of Gibson, Henry, Henton, Herron, Jones, Julian, Kimberlin, Lanius, Leyman, Lemmonds, Logan, McCormack, McDonald, Meeker, Monroe, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Powers, Rippey, Robinson, Rousseau, Seawright, Secrest, Shanks, Slater, Sleeth, Taber, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—56.

So said amendment was not adopted.

The question then recurring,

“Shall the bill be considered as engrossed and read a third time now?”

It was decided in the affirmative.

The question then being,

“Shall the bill pass?”

Messrs. Osborn of Laporte and Cruikshank demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Brumfield, Carr, Carnan, Conduit, Davis, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Henry, Henton, Huff, Jackson, Jones, Lanius, Ley-

man, Lemmonds, Logan, McCormack, McDonald, McRea, Mickle, Monroe, Mooney, Moore, Nofsinger, Osborn of Sullivan, Pennington, Porter, Powers, Rousseau, Shanks, Slater, Stapp, Taber, Thompson, Tomlinson, Vandever, Webb, Wilson of Marion, and Mr. Speaker—47.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Burns, Cameron, Carter, Chambers, Clements, Clymer, Coffin, Cookerly, Coon, Cornelius, Cox, Cruikshank, Dole, Hall of Warren, Harvey, Hazelrigg, Herron, Hill, Hinchman, Julian, Kerr, Kimberlin, Legg, Lewis, Lowe, Meeker, Morrow, Nelson, Osborn of Laporte, Parker, Riley, Rippey, Robinson, Ruby, Seawright, Secrest, Sleeth, Smith, Stanfield, Stewart, Tedford, Turner, Watt, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, Wise, and Yocum—51.

So said bill did not pass.

No. 35. A bill to amend the 73d and 74th sections of the 53d chapter of the Revised Laws of 1843, relative to trespassing upon the lands of the United States;

No. 52. An act for the relief of purchasers of canal lands;

No. 58. An act to amend sections 92 and 128, chapter 35, article 4th, of the Revised Statutes, as far as relates to fees for services as guardians;

No. 68. An act to amend section 175, chapter 47, Revised Statutes 1843, relative to costs in appeals from justices of the peace;

No. 72. A bill in relation to appeals and writs of error in writs of habeas corpus;

No. 89. A bill to amend the statute regulating the duties of clerks of executors' and administrators' sales;

No. 90. A bill for the relief of Thomas Carrico of Knox county;

No. 94. A bill to change the mode of appointing examiners of common school teachers in Orange county;

Were each severally read a third time and passed.

No. 83. A bill to amend the 29th and 30th chapters of the Revised Statutes of 1843, and to repeal certain provisions therein contained.

Mr. Cookerly moved to recommit the bill with the following instructions: amend by making it apply to "foreigners or non-residents;"

Which was not adopted.

Mr. Conduit moved that the bill and instructions be laid upon the table;

Which was adopted.

No. 93. A bill allowing additional compensation to the grand and petit jurors of Clinton county;

Which was laid upon the table.

No. 96. A bill for the relief of John Drummond;  
 Was read a third time; and,  
 On the passing of this bill,  
 Messrs. Julian and Pennington demanded the ayes and noes.  
 Mr. Herron asked leave to be excused from voting.  
 Which was not granted.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Brumfield, Burns, Carter, Chambers, Clymer, Cookerly, Cox, Davis, Dole, Edwards, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Hazelrigg, Henton, Hinchman, Huff, Jackson, Jones, Kimberlin, Lanius, Lemmonds, Lowe, McCormack, McDonald, Mickle, Monroe, Moore, Osborn of Sullivan, Parker, Pennington, Rippey, Ruby, Sleeth, Smith, Stapp, Taber, Thompson, Turner, Watt, Webb, Wilson of Noble, and Mr. Speaker—47.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Cameron, Carr, Carnan, Clements, Coffin, Conduit, Coon, Cornelius, Cruikshank, Dowling, Ford, Hall of Warren, Harvey, Henry, Herron, Hill, Julian, Kerr, Leyman, Legg, Lewis, McRea, Meeker, Mooney, Morrow, Nelson, Porter, Powers, Riley, Robinson, Seawright, Secrest, Shanks, Slater, Stanfield, Stewart, Tedford, Tomlinson, Vandever, Webber, Wiley, Wilson of Marion, Wise, and Yocum—46.

So said bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

#### BILLS ON SECOND READING.

No. 97. An act to locate a State road in Tippecanoe county;

No. 98. An act to vacate a part of the town of New Plymouth, in Marshall county;

No. 100. A bill to amend an act entitled "An act to change the time of holding probate court in Martin county," approved January 13th, 1845;

No. 101. A bill to change the name of Edward E. Hawkins;

No. 102. A bill for the relief of the heirs of Michael Ross, deceased;

Were each severally read a second time and ordered to be engrossed for a third reading.

No. 117. An act to authorize the treasurer of Pike county to act as school commissioner;

Was read a second and third times, the rules being suspended, and passed.

*Ordered,* That the Clerk inform the Senate thereof.



No. 103. A bill to modify the thirtieth section, chapter sixteen of the Revised Statutes;

Was read a second time, and referred to a select committee of Messrs. Webb, Hazlerigg, and Arnold;

No. 104. A bill increasing the *per diem* allowance of grand and petit jurors, in certain counties therein named;

Was read a second time; and

On motion,

Said bill was amended by adding the counties of Wayne, Fountain, Marion, Fulton, Marshall, Union, Allen, Steuben, Dekalb, Ripley, Dearborn, Jefferson, Warren, Delaware, Spencer, Greene, Tippecanoe, Rush, Shelby, Orange, Madison, Jennings, Davis, and Martin.

Mr Cruikshank moved to further amend as follows:

“That jurors for the circuit and probate courts in Franklin county, shall receive one dollar per day for each day they shall serve as such.”

On motion,

Said amendment was amended by adding thereto the counties of St. Joseph, Montgomery, Washington, Vermillion, Carroll, Switzerland, Grant, and Fayette.

The question then being,

“Shall the said amendment as amended be adopted?”

It was decided in the affirmative.

Mr. Dole moved to further amend the bill by striking it out from the enacting clause, and inserting the provisions of a bill of the House,

No. 143, “A bill regulating the compensation of grand and petit jurors.”

Mr. Vandever moved to amend the amendment by striking out the first section of bill No. 143;

Which prevailed.

Mr. Dole then withdrew his amendment; and

On motion by Mr. Secrest,

The House adjourned until to-morrow morning 9 o'clock, A. M.

---

### WEDNESDAY MORNING, DECEMBER 17, 1845.

The House met pursuant to adjournment.

The matter pending before the House at the last adjournment, was bill of the House,

No. 104. A bill increasing the *per diem* allowance of grand and petit jurors, in certain counties therein named.

Mr. Dole moved to amend by striking out from the enacting clause and inserting a new bill, leaving the allowance to the discretion of the board doing county business.

On the passage of the amendment,

Messrs. Moore and Parker demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Carr, Carnan, Carter, Clements, Cookerly, Coon, Cornelius, Cruikshank, Dole, Dowling, Edwards, Endecott, Ferguson, Ford, Fuller, Harvey, Hazelrigg, Henry, Henton, Herron, Hill, Huff, Kerr, Lewis, Logan, McDonald, McRae, Meeker, Mickle, Monroe, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Powers, Riley, Robinson, Ruby, Seawright, Secrest, Shanks, Smith, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Turner, Vandever, Webb, Wiley, Wilson of Sullivan, and Mr. Speaker—62.

*Those who voted in the negative are,*

Messrs. Bowman, Burns, Cameron, Chambers, Clymer, Coffin, Conduit, Cox, Davis, Ellis, Hall of Gibson, Hall of Warren, Hinchman, Jackson, Jones, Julian, Kimberlin, Legg, Lemmonds, Lowe, McCormack, Pennington, Porter, Rippey, Rousseau, Slater, Sleeth, Tedford, Webber, Wilson of Marion, Wilson of Noble, and Wise—32.

So said amendment was adopted.

Mr. Porter moved to amend as follows:

SEC. 3. The county of Harrison shall be exempt from the operation of this act.

On motion,

The amendment was amended by adding the counties of Morgan and Decatur.

The question then being,

“Shall the amendment be adopted?”

It was decided in the affirmative.

Mr. Secrest moved that the bill and amendments be referred to the House as a committee of the whole on to-day, immediately;

Which was adopted.

The House then resolved itself into a committee of the whole, on bill No. 194, with the amendments, with Mr. Mickle in the chair, and after some time spent therein, the Speaker resumed the chair, and Mr. Mickle reported, that the committee had had the bill and amendments under their consideration, and had come to the following amendment, in which they requested the concurrence of the House, viz:

Strike out from the enacting clause, and insert the following ;

"SEC. 1. That grand and petit jurors, in the several counties of this State, shall be entitled to receive the sum of one dollar and twenty-five cents for each and every day they may serve as such.

SEC. 2. This act to be in force from and after its passage.

On the House concurring in the report of the committee,  
Messrs. Moore and Davis demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Cameron, Chambers, Clymer, Coffin, Conduit, Cornelius, Davis, Dowling, Ellis, Endecott, Hall of Gibson, Hall of Warren, Henton, Herron, Hinchman, Huff, Jones, Julian, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, McCormack, McDonald, Meeker, Mickle, Monroe, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Pennington, Porter, Rippey, Ruby, Seawright, Shanks, Slater, Sleeth, Smith, Stapp, Stewart, Tedford, Turner, Vandever, Webb, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Wise—57.

*Those who voted in the negative are,*

Messrs. Baker, Brumfield, Carr, Carnan, Clements, Cookerly, Coon, Cruikshank, Dole, Edwards, Ferguson, Ford, Fuller, Harvey, Hazlerigg, Henry, Hill, Jackson, Kerr, Kimberlin, Lowe, McRae, Mooney, Moore, Osborn of Sullivan, Parker, Powers, Riley, Robinson, Rousseau, Secrest, Stanfield, Thompson, Tomlinson, Wiley, and Mr. Speaker—36.

So said report was concurred in.

Mr. Hazlerigg offered the following amendment :

"That the county of Boone be excepted from the provisions of this act, and that jurors in said county shall be entitled to receive one dollar for every day they may serve as such jurors;"

Which was not adopted.

Mr. Moore moved that the county of Owen be exempted from said bill;

Which was not adopted.

Mr. Hinchman offered the following amendment;

Amend by inserting "jurors" before probate courts;

Which was not adopted.

Mr. Ford offered the following amendment;

SEC. — *Be it further enacted*, That grand and petit jurors shall be allowed the sum of four cents per mile for travelling from and to their respective county seats, to serve as such jurors;

Which was not adopted.

Mr. Cruikshank offered the following amendment:

"That the act be so amended that probate jurors in Franklin county, be allowed one dollar per day;"

Which was not adopted.

Mr. Thompson offered the following amendment:

"That grand and petit jurors in the circuit and probate courts of Perry county, shall be allowed one dollar per day, and no more;

Which was not adopted.

Mr. Vandever moved the previous question;

Which was seconded by the House,

And the question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill be engrossed for a third reading on to-morrow?"

Messrs. Moore and Riley demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Cameron, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Davis, Dowling, Edwards, Ellis, Endecott, Hall of Gibson, Hall of Warren, Henton, Herron, Hinchman, Huff, Jones, Julian, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, McCormack, McDonald, McRae, Meeker, Mickle, Monroe, Morrow, Nelson, Osborn of Sullivan, Pennington, Porter, Rippey, Ruby, Seawright, Shanks, Slater, Sleeth, Smith, Stapp, Stewart, Tedford, Thompson, Turner, Vandever, Webb, Webber, Wilson of Marion, Wilson of Noble, Wise, and Mr. Speaker—61.

*Those who voted in the negative are,*

Messrs. Baker, Brumfield, Carr, Carter, Coon, Cruikshank, Dole, Ferguson, Ford, Fuller, Harvey, Hazelrigg, Henry, Hill, Jackson, Kerr, Kimberlin, Lowe, Moonney, Moore, Nofsinger, Osborn of Laporte, Parker, Powers, Riley, Robinson, Rousseau, Secrest, Stanfield, Tomlinson, Wiley, and Wilson of Sullivan—32.

So said bill was ordered to be engrossed for a third reading on to-morrow.

No. 105. An act to repeal the 9th section of chapter 35, of the Revised Statutes of 1843;

Was read a second time; and

On motion by Mr. Davis,

Referred to a select committee of Messrs. Davis, Jones, and Wise.

No. 106. A bill to repeal a certain act therein named;

Was read a second time, and referred to the committee on canals and internal improvements.

## BILLS ON SECOND READING.

No. 107. A bill to change the mode of districting hands to perform labor on public roads in Orange county;

No. 109. An act dissolving the bonds of matrimony between Wm. Martin and Susan Martin, of Warrick county;

No. 112. A bill to amend a certain act therein named;

No. 114. A bill to repeal an act providing for the opening and repairing roads and highways and streams in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, approved January 31, 1843;

Were each severally read a second time, and ordered to be engrossed for a third reading.

No. 110. A bill to authorize a re-appraisement and sale of school lands in Harrison county;

Was read a second time, and referred to the committee on education, with instructions to make the bill a general law.

No. 112. An act to change the time of holding courts in Adams county;

Which was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 115. A bill respecting the examiners of teachers of common schools;

Mr. Vandever moved to exempt the county of Orange from the bill;

Which was not adopted.

Mr. Secrest moved to strike out the compensation from the bill.

Mr. Slater moved to indefinitely postpone the bill with the amendments;

Which was not adopted.

The question then recurring on the motion made by Mr. Secrest,

It was decided in the negative.

Mr. Cookerly moved that "one dollar" be struck out from the bill and insert "seventy-five cents;"

Which was adopted.

The question then being,

"Shall the bill be engrossed?"

Mr. Shanks moved that the bill and amendments be laid upon the table;

Which was adopted; and

On motion by Mr. Seawright,

The House adjourned till 2 o'clock, P. M.



2 o'clock, P. M.

The House met.

Mr. Shanks moved to take from the table bill, No. 115,  
Which was adopted.

Mr. Robinson moved to recommit the bill to the committee with the following instructions:

“Enquire into the expediency of repealing the laws creating examiners of common schools, and making the trustees in the several school districts, judges of the qualification of common school teachers;”

Which was not adopted.

The question then recurring on the engrossment of the bill,  
Messrs. Vandever and Moore demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Brunfield, Burns, Cameron, Carr, Carman, Chambers, Conduit, Cookerly, Coon, Cornelius, Davis, Edwards, Harvey, Hazelrigg, Henton, Julian, Legg, Lemmonds, Lewis, McCormack, McRae, Monroe, Mooney, Parker, Porter, Riley, Rousseau, Ruby, Seawright, Shanks, Stapp, Thompson, Turner, and Wise—39.

*Those who voted in the negative are,*

Messrs. Baker, Carter, Clements, Clymer, Coffin, Cox, Cruikshank, Dole, Dowling, Endecott, Ford, Fuller, Hall of Gibson, Hall of Warren, Herron, Hill, Hinchman, Huff, Jackson, Jones, Kerr, Kimberlin, Logan, Lowe, Meeker, Mickle, Moore, Morrow, Nelson, Nofsinger, Osborn of Laporte, Pennington, Powers, Rippey, Robinson, Secrest, Slater, Sleeth, Smith, Taber, Tedford, Tomlinson, Vandever, Webb, Webber, Wiley, Wilson of Marion, Wilson, of Sullivan, Wilson of Noble, and Mr. Speaker—50.

So said bill was not engrossed.

No. 116. A bill to authorize congressional township twenty-eight north, of range twelve west, in Wells county, to lay off a town;

No. 119. An act providing for the better preservation of legislative papers;

No. 120. A bill to repeal part of a certain act therein named;

No. 126. A bill to dissolve the bonds of matrimony between Jared C. Ryker and Thursey Ann Ryker;

No. 127. A bill to abolish the office of county auditor in Ohio county;

No. 128. A bill declaring a certain road in the county of Dearborn a State road;

No. 144. A bill regulating the duties of county commissioners in this State ;

No. 129. A bill in relation to county orders ;

No. 131. A bill to abolish the office of county auditor in the county of Johnson ;

No. 140. An act to provide for taking the sense of the qualified voters in this State, on the calling of a convention to alter, revise, or amend the constitution of this State ;

No. 142. An act changing the time of holding circuit and probate courts in Clark county ;

No. 145. A joint resolution on the subject of procuring a law by Congress, that where the 16th section in any congressional township cannot be sold for \$1 25 per acre, that other lands may be selected in lieu thereof ;

No. 147. An act in relation to the sale of saline lands in Orange county ;

No. 151. A bill to amend the first article of the fiftieth chapter of the Revised Statutes of 1843 ;

No. 165. An act to change the name of Aberdeen town in Hamilton county ;

No. 164. A bill for the relief of purchasers of school lands in Randolph county ;

No. 159. A bill to divorce Nancy Casto from Jonathan Casto, her husband ;

No. 160. A bill authorizing the county board of St. Joseph county to employ a physician for the poor ;

Were each severally read a second time, and ordered to be engrossed for a third reading.

No. 118. A bill compelling the White Water Valley Canal Company to make bridges ;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 121. A bill to vacate a certain State road in Jefferson county ;

Mr. Chambers moved the following amendment :

“That nothing herein contained shall be so construed as to vacate the old State road, until the new road is made as good as the State road now is—to be determined by the board doing county business in Jefferson county ;”

Which was adopted ;

And said bill was ordered to be engrossed.

No. 123. A bill to amend the 7th section of chapter 72, of the acts of 1843, published with the Revised Statutes ;

Was read a second time, and referred to a select committee of Messrs. Rosseau, Thompson, and Cookerly.

No. 125. A bill to repeal the first section of an act amendatory of an act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute, approved February 8, 1843 ;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 124. A bill to change the time of summoning petit jurors to appear in the circuit court for Vigo county, and for other purposes;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 130. A bill to amend the 7th article of the 13th chapter of the Revised Statutes of 1843;

Was read a second time and referred to the judiciary committee.

No. 132. A bill to legalize the election of Russell Mitchell, a justice of the peace in Pleasant Run township, in Lawrence county, and for other purposes;

Was read a second and third times, the rules being dispensed with, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 133. A bill to amend an act entitled "An act in relation to the proceedings in the probate courts," approved January 13th, 1843;

Was read a second time, and referred to the judiciary committee.

No. 135. A bill for the relief of William J. Chaplin;

Was read a second time;

And on the engrossment of the bill,

Messrs Julian and Legg demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Bowman, Brumfield, Burns, Chambers, Clymer, Cookerly, Coon, Cox, Davis, Dole, Edwards, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Hall of Warren, Hazelrigg, Henton, Hinchman, Huff, Jackson, Jones, Kimberlin, Lanius, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Monroe, Moore, Osborn of Sullivan, Parker, Pennington, Powers, Riley, Rippey, Seawright, Sleeth, Smith, Stapp, Taber, Webb, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—50.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Cameron, Clements, Coffin, Conduit, Cornelius, Cruikshank, Ford, Harvey, Henry, Herron, Julian, Kerr, Legg, Lewis, McRae, Meeker, Morrow, Nelson, Porter, Robinson, Ruby, Slater, Stanfield, Stewart, Tedford, Tomlinson, Vandever, Wiley, and Wise—31.

So said bill was ordered to be engrossed for a third reading.

No. 136. A bill to amend section 326, chapter 40, Revised Statutes 1843;

Was read a second time, and referred to the judiciary committee.

No. 137. A bill to amend the practice in chancery;

Was read a second time, and referred to the judiciary committee.

No. 138. A bill to revive certain acts relative to writs of *ne exeat* ;

Was read a second time, when

Mr. Secrest moved to amend as follows:

"And the laws hereby revived shall be published in the volume of general laws of the present session;"

Which was adopted ;

And said bill ordered to be engrossed.

No. 139. A bill to amend the 1st article of the 53d chapter of the Revised Laws of 1843, and for other purposes ;

Was read a second time.

Mr. Moore moved to lay upon the table.

Not adopted.

Mr. Cookerly moved to amend by striking out the word "gaming," and insert "betting or wagering;"

Which was adopted.

Mr. Osborn of Laporte, moved to lay the bill on the table ;

Which was adopted.

No. 141. A bill to allow owners of partnership fences to remove the same ;

Was read a second time, and referred to the judiciary committee.

No. 143. A bill regulating the compensation of grand and petit jurors ;

Was read a second time, and

On motion,

Laid upon the table.

No. 152. A bill to amend section 101 of Revised Statutes of 1843 ;

Was read a second time, and referred to the judiciary committee.

No. 154. A bill to amend section 1, and repeal section 9, chapter 30, Revised Statutes of 1843, relative to wills made by married women ;

Was read a second time, and referred to the judiciary committee.

No. 155. A bill to enable married women to acquire and hold separate property ;

Was read a second time, and referred to the judiciary committee.

No. 156. A bill for the relief of purchasers of canal lands lying in the county of Cass ;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 163. A bill for keeping canal bridges in repair ;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 162. A bill to repeal an act entitled, "An act to confine voters to their respective townships," approved January 13, 1845, so far as the same relates to the county of Boone ;

Was read a second time ;

Mr. Moore moved to amend by adding the county of Owen ;

Which motion prevailed; and

On motion,

The bill was referred to the committee on elections.

No. 161. A bill relative to costs of transcripts;

Was read a second time, and referred to the judiciary committee.

No. 158. A bill to establish a certain State road therein named in Franklin county;

Was read a second time, and referred to the committee on roads.

No. 166. A bill to amend an act entitled, "An act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8, 1836, approved January 15, 1844, approved January 13, 1845;

Was read a second time, and referred to the committee on corporations.

#### BILLS ON THIRD READING.

No. 102. A bill for the relief of the heirs of Michael Ross, deceased;

Was read a third time, and

On motion,

Laid on the table.

No. 101. A bill to change the name of Edward E. Hawkins;

Which was amended by the unanimous consent of the House, by changing the name also, of Edward Mussette to Edward Bates;

Said bill was then read a third time and passed.

No. 97. An act to locate a State road in Plymouth county;

No. 98. An act to vacate a part of the addition to the town of Plymouth, in Marshall county;

No. 100. A bill to amend an act entitled, "An act to change the time of holding probate courts in Martin county," approved January 13, 1845;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed bill thereof,

No. 34. A bill to correct a mistake in a certain act therein named;

In which the concurrence of the House is respectfully requested;

Which, said bill No. 34, was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof; and,

Also, the following message was received from the Senate by Mr. Gorman, their Secretary:



**MR. SPEAKER :**

I am instructed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bills of the House, to wit:

No. 18. An act to provide for a special term of the Allen circuit court;

No. 24. An act to vacate the town plat of the town of New Charlestown, in Jay county, Indiana;

No. 38. An act to dissolve the matrimonial ties existing between Patsey Hubbard and Malachi Hubbard, her husband, and to authorize the entering of a nolle prosequi, on a certain indictment against said Patsey.

Also, the following joint resolutions of the House, without amendment:

No. 44. A joint resolution in relation to the Michigan City Harbor;

No. 20. A joint resolution to Congress, in relation to the claim of Col. Francis Vigo, late of Knox county, Indiana.

Also, the Senate have passed engrossed bill of the Senate,

No. 31. A bill to raise the fees of jurors in the several counties therein named;

In which they respectfully request the concurrence of the House of Representatives.

Bill of the Senate, No 31, above mentioned,

Was read a first and second time, the rules being suspended, and laid upon the table.

The following message was also received from the Senate by Mr. Gorman, their Secretary:

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills thereof:

No. 38. A bill to incorporate a Lutheran church in Franklin county;

No. 17. A bill to amend the 94th section of chapter 12, Revised Statutes of 1843;

No. 20. A bill to repeal an act to reduce the prices paid for ferriages in Lawrence county, approved January 15th, 1844, and to revive the general law.

Also, joint resolution of the Senate,

No. 3. A joint resolution on the subject of overflowed public lands;

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 20, in the message above mentioned,

Was read a first and second times, the rules being suspended, and ordered to a third reading.

Bill No. 38, in the message above mentioned,

Was read a first time and ordered to a second reading.

Bill No. 17, in said message above mentioned,

Was read a first and second times, the rules being suspended, and referred to the committee of ways and means.

Bill No. 2, in said message above mentioned,

Was read a first time and ordered to a second reading.

The following message was also received from the Senate, by Mr. Gorman, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that they have passed, without amendment, the following bills of the House of Representatives, to wit:

No. 42. A bill dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert;

No. 63. A bill to vacate a part of Water street in the town of Rushville;

No. 62. A bill to authorize the trustees of congressional township number 4 south, in range number 5 east, in Harrison county, to change the districts therein;

No. 60. A bill repealing an act therein named;

No. 2. A bill to legalize the acts of James Batman, a justice of the peace for Bono township, Lawrence county.

Also, the Senate have passed joint resolution of the House, without amendment, as follows:

No. 7. A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law for the relief of pre-emption settlers on the Miami Reserve.

Also, the following message from the Senate, by Mr. Gorman, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills of the House of Representatives, without amendment:

No. 46. A bill to change the mode of electing county surveyor in the county of Orange;

No. 64. A bill for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in Scott county;

No. 78. A bill declaring a county road in Clay county a State road.

Also, the following message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills thereof, to wit:

No. 9. An act to reduce the fees of pilots and for other purposes;

No. 11. An act for the relief of Francis Lafontaine;

No. 7. An act to attach the county of Tipton to the 11th judicial circuit, and to fix the time of holding the courts in said circuit;

No. 32. An act regulating the jurisdiction of justices of the peace in the county of Miami;

In which the concurrence of the House is respectfully requested.

No. 2, in said message mentioned, and also Nos. 7, 9 and 32,

Were each read a first time and ordered to a second reading.

Mr. Hazelrigg, on leave granted, made the following report:

MR. SPEAKER:

The committee on public expenditures, to whom was referred the resolution of the House directing them to enquire into the expediency of enquiring into the propriety of abolishing the office of Agent of State, and transferring the duties of that officer to the Secretary or Treasurer of State, have had that matter under consideration and directed me to report that there is yet some business unsettled which might perhaps require the attendance of an officer of the State at points so remote from the seat of government, and for too long a period of time to justify requiring either the Secretary or Treasurer to perform the duties of Agent of State; they are therefore of opinion that it would be improper to abolish the office at this time; but as the duties of that officer have decreased to a considerable extent, and as we have had an Agent for the last four years, at an *unjustifiable* cost to the State, we suppose that the business pertaining to the office is much less difficult, and will require much less time to attend to than heretofore, we think that the salary of that officer will bear some reduction, and also that his term of office should be limited to one year; the committee have therefore directed me to report the following bill, recommend its passage, and ask to be discharged from the further consideration of the same.

Bill 167. An act for reducing the salary of Agent of State, and for other purposes;

Which was,

On motion by Mr. Secrest;

Laid upon the table.

The Speaker laid before the House a communication from the Agent of State; and,

On motion by Mr. Fuller,

The House adjourned till to-morrow morning, 9 o'clock.

## THURSDAY MORNING, DECEMBER 18, 1845.

The House met pursuant to adjournment.

The communication from the Agent of State, which was laid before the House last evening, previous to the adjournment, was taken up.

Mr. McDonald moved that it be laid upon the table, and that five hundred copies be printed for the use of the House.

Messrs. Carr and Thompson demanded the ayes and noes on the passage of the motion.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Cameron, Car-nan, Chambers, Clements, Conduit, Cookerly, Coon, Cornelius, Cox, Dole, Dowling, Edwards, Endecott, Ferguson, Ford, Hall of Gib-son, Hall of Warren, Harvey, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, Julian, Kerr, Leyman, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McRae, Meeker, Monroe, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Smith, Stanfield, Stapp, Stewart, Taber, Tomlinson, Webber, Wise, Yocum, and Mr. Speaker—63.

*Those who voted in the negative are,*

Messrs. Arnold, Burns, Carr, Carter, Clymer, Coffin, Cruikshank, Davis, Ellis, Fuller, Huff, Jackson, Jones, Kimberlin, Lanius, Mc-Donald, Mickle, Mooney, Moore, Powers, Riley, Rippey, Shanks, Slater, Tedford, Thompson, Turner, Vandever, Webb, Wiley, Wilson of Marion, Wilson of Noble, and Wilson of Sullivan—33.

So said motion prevailed.

The Speaker laid before the House a report from the commission-er of the Wabash and Erie canal;

Which was,

On motion by Mr. Shanks,  
Laid on the table, and five hundred copies ordered to be printed.  
The Speaker laid before the House a report from the Auditor of State ;

Which was,

On motion by Mr. Secrest,  
Laid upon the table.  
The Speaker laid before the House a communication from the Superintendent of the State Prison ;  
Which was,  
On motion by Mr. Cookerly,  
Referred to the committee on the State Prison.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Shanks,

A petition from the Society of Friends in Wayne county, asking a repeal of so much of the criminal code as inflicts capital punishment for crime ;

Which was referred to the judiciary committee.

By Mr. Lewis,

A petition signed by sundry citizens of the State, praying for the abolishment of capital punishment ;

Which was referred to the judiciary committee.

By Mr. Nelson,

A petition from sundry citizens of Montgomery county, praying for an additional justice of the peace to be given to Union township in said county ;

Which was referred to a select committee of Messrs. Nelson, Tedford, and Herron.

By Mr. Clymer,

A petition for the formation of the "Union Medical Society of Northern Indiana ;"

Which was referred to a select committee of Messrs. Clymer, Rippey, and Stanfield.

By Mr. McCormack,

The petition of Adam Shambaugh, to dissolve the bonds of matrimony existing between him and Elizabeth Shambaugh, his wife ;

Which was referred to a select committee of Messrs. McCormack, Leyman, and Wilson of Marion.

By Mr. Tedford,

The petition of sundry citizens of Carroll county, for the changing of roads in that county, according to the plan in said petition mentioned ;

Which was referred to the committee on agriculture.

By Mr. Wilson of Marion,

The petition of Frederick Hartzell, praying for a divorce from his wife, Rosanna Hartzell ;



Which was referred to a select committee of Messrs. Wilson of Marion, Webber, and McCormack.

By Mr. Lewis,

A petition, praying for the repeal of certain statute laws to give further rights to people of color ;

Which was referred to the judiciary committee.

By Mr. Morrow,

A petition from sundry citizens, praying that a certain road therein described, in Grant and Madison counties, may be made a State road ;

Which was referred to a select committee of Messrs. Morrow, Mickle, and Endecott.

By Mr. Julian,

A petition of sundry citizens of this State, praying for the abolition of capital punishment ;

Which was referred to the judiciary committee.

By Mr. Parker,

A petition from citizens of Allen county, asking leave to drain certain wet prairie lands therein described ;

Which was referred to a select committee of Messrs. Parker, Tomlinson, and Moore.

By Mr. Ferguson,

A petition from sundry citizens of Clark county, praying for a change in the probate system ;

Which was referred to the judiciary committee.

By Mr. Julian,

The petition of A. J. Line, praying for a passage of an act for his relief ;

Which was referred to a select committee of Messrs. Julian, Legg, Cox, Chambers, and Stewart.

By Mr. Taber,

A petition from sundry citizens of Cass county, praying for the passage of an act for certain purposes therein named ;

Which was referred to the committee on canals and internal improvements.

By Mr. Cornelius,

A remonstrance from sundry citizens of Dearborn county, against the passage of a law taxing dogs in said county ;

Which was referred to the committee on agriculture.

By Mr. Taber,

A petition praying for an incorporation of the Grand Lodge of the Independent Order of Odd Fellows in this State ;

Which was referred to the committee on corporations.

By Mr. Cornelius,

A petition for the preservation of sheep ;

Which was referred to the committee on agriculture.

By Mr. Sleeth,

A petition from sundry citizens of Shelby county, asking that Jo-

seph Quinn and James Norvell, to receive toll on a certain road therein described ;

Which was referred to a select committee of Messrs. Sleeth, Robinson, and Yocum.

By Mr. Simonson,

Sundry petitions from Clark county, praying for legislative interference on certain acts therein set forth ;

Which was referred to the committee on claims.

Mr. Secrest, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred bill of the House, No. 11, with instructions so to amend it as to provide explicitly that the next county treasurers elect shall take the offices immediately upon the expiration of the term of office of the present incumbents, and with further instructions to enquire into the expediency of giving county treasurers a longer time after their election in which to qualify, have had the same under consideration, and have directed me to report said bill back to the House with this amendment, to-wit : strike out all after the enacting clause, and insert the following in lieu thereof :

Which report and bill were laid on the table.

Mr. McDonald, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a bill of the House, entitled, No. 149, "A bill to amend the 40th section of the 28th chapter of the Revised Laws of 1843, have had the same under consideration, and directed me to report, that they deem the law now in force, (and which is proposed to be altered by the bill,) as well calculated to preserve to married women, their rights to, and in real estate, both as to the right of dower, and right of property ; and that the alteration of the law as proposed by the bill, would destroy those safeguards with which the present law surrounds them ; they therefore recommend that the bill be indefinitely postponed, and ask to be discharged from the further consideration thereof.

Which report was not concurred in ; and said bill, No. 149,

Was ordered to be engrossed for a third reading on to-morrow.

Mr. Porter, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred bill of the House, No. 79, "relating to foreclosure of mortgages," have had the same under consideration, and have amended the same by striking it out from the enacting clause, and inserting in lieu thereof, the following, which they have directed me to report, and recommend its passage.

Said bill, No. 79, as amended,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Sleeth from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred bill No. 87, of this House entitled, "An act to amend the law, regulating the practice in the eleventh judicial circuit," have had the same under consideration, and have directed me to report it back to the House, and recommend its passage.

Said bill No. 79, was read a second time, and ordered to be engrossed for a third reading.

Mr. Vandever from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred the resolution offered by Mr. Cruikshank, to enquire into the expediency of repealing so much of the 109th section, of chapter 16, of the Revised Statutes, as allows landholders to work out their road tax in any other district than that wherein the land is located, have had that subject under consideration, and have instructed me to report, that it is inexpedient to legislate upon that subject; in which they ask the concurrence of the House;

Which report was concurred in.

Mr. Vandever from the committee on roads, also made the following report :

MR. SPEAKER :

The committee on roads to whom was referred resolution of the House, instructing them to enquire into the expediency of so amending the road law, so that it shall not be the duty of supervisors to

give receipts to resident citizens, on the payment of road tax; report, that they have had the same under consideration, and directed me to report the same back to the House inexpedient to legislate thereon, in which they ask the concurrence of the House;

Which report was concurred in.

Mr. Dowling from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House No. 95, to authorize the superintendent of the Wabash and Erie canal, to settle with William Sill, of White county, have had the same under consideration, and a majority of said committee have directed me to report said bill back to the House, and recommend that it be laid upon the table;

Which was concurred in, and said bill laid upon the table.

Mr. Baker from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the petition of sundry citizens of Cass county, praying for the passage of a law against the embezzlement of money, bonds, bills, &c., have had the same under consideration, and have instructed me to report the following bill, and recommend its passage;

No. 168. A bill to punish embezzlement in the same manner that grand larceny is now punishable by law:

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Carr from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred a bill to incorporate the Hagerstown Musical Institute, have according to order had the same under consideration, and have directed me to report the same to the House, with the following amendment, and when so amended recommend its passage.

SEC. — "The Stockholders in said Musical Institute, shall be liable for the debts of the said corporation in their individual capacity;"

Which amendment was adopted.

Said bill with the amendment was then read a first and second times, the rules being suspended therefor, and referred to a select committee of Messrs. Julian, Chambers, and Cox.

Mr. Carr from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred a bill of the House No. 157, "incorporating the Logansport and Rochester Michigan Road Company," have, according to order had the same under consideration, and have directed me to report the following amendments to said bill, and when so amended, recommend its passage.

Amend the 27th section, by adding the following, immediately after the word act:

"Then this charter shall be null and void."

Also, the following additional section:

"The stockholders shall be liable for all the debts of this corporation in their individual capacity."

Mr. Dowling moved that the House concur in the report, with the following amendment:

"To the amount of stock held by each stockholder respectively."

Pending which,

On motion,

The House adjourned until 2 o'clock, P. M.

---

*2 o'clock, P. M.*

The House met.

Mr Davis moved a call of the House,

Which was seconded;

And after some time spent therein,

The further call was suspended.

Mr. Secrest, the rules being suspended, offered the following resolution:

MR. SPEAKER:

The select joint committee on the subject of the State indebtedness, have instructed me to report to the House the following resolution, and request its adoption:



*Resolved*, That the select joint committee on the subject of the communication from the Governor in relation to our foreign bondholders have permission to employ a clerk for said committee.

Mr. Pennington moved that it be laid upon the table;  
Which was not adopted.  
The resolution was then passed.

#### ORDERS OF THE DAY.

Senate bill, No. 20. An act to repeal an act to reduce the prices paid for ferriages in Lawrence county, approved January 15th, 1844, and to revive the general law;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### BILLS OF THE HOUSE.

No. 104. An act increasing the per diem allowance of grand and petit jurors;

Was read a third time; when

Messrs. Moore and Coon demanded the ayes and noes.

Mr. Harvey moved to recommit, with the following instructions:

Amend the bill so that the grand and petit jurors in the different counties in this State shall receive the sum of one dollar for each day they may serve as such: *Provided*, That the board doing county business in any county may increase the compensation aforesaid to one dollar and twenty-five cents per day;

Which was not adopted.

Mr. Riley moved to recommit the bill, with instructions to exempt the county of Hancock from the bill;

Which was not adopted.

Mr. Riley then moved to indefinitely postpone the bill;

Which also was not adopted.

Mr. McDonald moved the previous question;

Which was seconded.

And the question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill pass?"

And the ayes and noes being demanded by the gentlemen above mentioned,

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Cameron, Carnan, Chambers, Clements, Clymer, Coffin, Conduitt, Cookerly, Coon, Cor-

nelius, Cox, Davis, Dole, Dowling, Ellis, Endecott, Ferguson, Ford, Hall of Gibson, Hall of Warren, Henton, Herron, Hinchman, Huff, Jones, Julian, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, McCormack, McDonald, McRea, Meeker, Mickle, Monroe, Morrow, Nelson, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Rippey, Robinson, Rousseau, Ruby, Seawright, Slater, Sleeth, Smith, Stapp, Stewart, Tedford, Thompson, Tomlinson, Turner, Vandever, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wise, Yocum, and Mr. Speaker—72.

*Those who voted in the negative are,*

Messrs. Baker, Brumfield, Carr, Carter, Edwards, Fuller, Harvey, Hazelrigg, Henry, Hill, Jackson, Kerr, Kimberlin, Lowe, Mooney, Moore, Nofsinger, Riley, Secrest, Stanfield, Taber, and Wilson of Sullivan—22.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### BILLS ON THIRD READING.

No. 107. A bill to change the mode of districting hands to perform labor on public roads in Orange county;

No. 109. An act dissolving the bonds of matrimony between William Martin and Susan Martin of Warrick county;

No. 112. A bill to amend a certain act therein named relative to the duties of county treasurers;

No. 114. A bill to repeal an act providing for the opening and repairing roads, highways and streams, in the counties of Bartholomew, Putnam, Owen, Henry and Perry, approved January 31st, 1843, so far as relates to the county of Bartholomew;

No. 116. An act to authorize trustees of congressional township No. 28 north, of range 12 east, in Wells county, to lay off a town;

No. 119. An act providing for the better preservation of Legislative papers;

No. 120. An act to repeal a certain act therein named;

No. 121. An act to vacate a certain road in Jefferson county;

No. 126. An act to dissolve the bonds of matrimony between Jared S. Ryker and Thuresey Ann Ryker of Jefferson county;

No. 127. A bill to abolish the office of county auditor in Ohio county;

No. 128. An act declaring a certain road in the county of Dearborn a State road;

No. 129. An act in relation to county orders;

No. 131. A bill to abolish the office of county auditor in the county of Johnson;

No. 135. An act for the relief of William J. Chaplin;

No. 138. A bill to revive certain acts relative to writs of ne exeat;

No. 140. An act to provide for taking the sense of the qualified voters of this State on the calling of a convention to alter, revise, or amend the constitution of this State;

No. 142. An act changing the time of holding circuit and probate courts in Clark county;

No. 144. An act regulating the duties of county commissioners in this State;

No. 145. A joint resolution on the subject of procuring a law by Congress in relation to the sale of congressional townships;

No. 145. An act in relation to the sale of saline lands in Orange county;

No. 159. An act to divorce Nancy Casto from Jonathan Casto, her husband;

No. 160. An act authorizing the county board of St. Joseph county to employ a physician for the poor;

No. 164. A bill for the relief of purchasers of school lands in Randolph county;

No. 165. An act to change the name of Aberdeentown in Hamilton county;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS ON SECOND READING.

No. 9. A bill to reduce the fees of pilots, and for other purposes;  
Was read a second time; and,

On motion by Mr. Lowe,

Indefinitely postponed.

No. 32. A bill regulating the jurisdiction of justices of the peace in the county of Miami;

No. 3. A joint resolution upon the subject of overflowed public lands;

No. 7. A bill to attach the county of Tipton to the 11th judicial circuit, and to fix the time of holding the courts of said circuit;

Were each severally read a second time and ordered to a third reading.

No. 38. A bill to incorporate a Lutheran church in Franklin county;

Was read a second time and referred to the committee on corporations.

No. 11. A bill for the relief of Francis Lafontaine;

Was read a second time; when

Mr. Taber proposed the following amendment:

"All the privileges and provisions of this act are hereby extended to the widow and children of Francis Godfroy, late of Miami county, deceased;"

Which was adopted ;

And said bill ordered to a third reading.

Mr. Hall of Gibson moved to take from the table bill of the House,

No. 86. A bill to authorize the trustees for the Vincennes University to bring suit against the State, and for other purposes ;”

Which motion prevailed.

Mr. Hall of Gibson moved that the rules be suspended, the bill be considered as engrossed, and read a third time now ;

Which was decided in the affirmative.

Said bill was then read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

## FRIDAY MORNING, DECEMBER 19, 1845.

The House met pursuant to adjournment.

The Honorable H. S. Scott, member elect from the county of Fountain, appeared, produced his credentials, was sworn in by the Speaker, and took his seat.

Mr. Tedford from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared the following, with the engrossed bills, and find them correctly enrolled ;

No. 23. An act in relation to the bank tax fund ;

No. 9. An act changing the time of holding probate courts in the county of Allen, and for other purposes ;

No. 48. An act for the relief of Nicton Belan and Sambert Wal-den ;

No. 33. An act to prescribe the mode of selecting grand and petit jurors in the county of Hendricks.

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate, for the signature of their President.

The Speaker announced that the question pending at the adjournment yesterday, at twelve o'clock, was on concurring in the report of the committee on corporations, on bill of the House No. 157 :

“Incorporating the Logansport and Rochester Michigan Road Company;”

With the amendment offered by Mr. Dowling.

Pending which,

On motion by Mr. Hall of Warren,  
The House adjourned until 2 o'clock.

2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY.

##### SENATE BILLS ON THIRD READING.

No. 3. A joint resolution upon the subject of overflowed public lands;

No. 7. An act to attach the county of Tipton to the 11th judicial circuit, and to fix the time of holding the courts in said circuit;

No. 71. A bill for the relief of Francis Lafontaine;

No. 32. An act regulating the jurisdiction of justices of the peace in the county of Miami;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

##### BILLS OF THE HOUSE ON THIRD READING.

No. 79. An act relating to mortgages;

Was amended in the title,

And ordered to be engrossed for a third reading.

No. 87. An act to amend the law regulating the practice in the 11th judicial circuit;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 149. An act to amend the 40th section of the 28th chapter, of the Revised Laws of 1843;

Was read a third time, and on its passage Messrs. McDonald and Rousseau, demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Burns, Carr, Carnan, Carter, Chambers, Coon, Davis, Dole, Dowling, Edwards, Hall of Warren, Hazlerigg, Henry, Henton, Herron, Hill, Hinchman, Huff, Jones, Julian, Kerr, Lanus,



Legg, Lemmonds, Logan, Monroe, Mooney, Moore, Osborn of La-  
 porte, Osborn of Sullivan, Parker, Powers, Riley, Robinson, Ruby,  
 Scott, Seawright, Stapp, Stewart, Tedford, Thompson, Tomlinson,  
 Vandever, Wilson of Sullivan, Wise, and Mr. Speaker—46.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron,  
 Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Cruik-  
 shank, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Gibson,  
 Harvey, Jackson, Kimberlin, Leyman, Lewis, Lowe, McCormack,  
 McDonald, Meeker, Mickle, Morrow, Nelson, Nofsinger, Penning-  
 ton, Porter, Rippey, Rousseau, Secrest, Shanks, Slater, Smith, Stan-  
 field, Taber, Turner, Watt, Webb, Webber, Wiley, Wilson of  
 Marion, and Wilson of Noble—50.

So said bill did not pass.

No. 151. A bill to amend the first article of the 50th chapter, of  
 the Revised Statutes of 1843;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hall of Gibson moved to take from the table, bill

No. 83. A bill to amend the 29th and 30th chapters of the Re-  
 vised Statutes of 1843, and to repeal certain provisions therein con-  
 tained;

Which was adopted.

Said bill was then amended, by the unanimous consent of the  
 House, read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Stapp moved to take from the table, bill

No. 15. A bill for the relief of Daniel Dayhuff, of Orange county;

Which was adopted.

Mr. Thompson moved that it again lie on the table;

Which was not adopted.

And the question being put,

“Shall the bill pass?”

It was decided in the negative.

Messages from the Senate were then taken up;

The following being received by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representa-  
 tives, that the Senate have passed the following resolution, in which  
 the concurrence of the House is respectfully requested :

*Resolved*, That the Senate will, the House concurring therein,  
 proceed, on Friday, the 19th instant, at 2 o'clock, P. M., to elect  
 two directors of the State Bank of Indiana, to fill the vacancy oc-

casioned by the resignation of the Hon. Abel C. Pepper, and to fill the vacancy occasioned by the expiration of the term of service of Jacob Walker, Esq.

Which was,  
On motion,  
Laid upon the the table.

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following bills of the House of Representatives, without amendments :

No. 48. An act for the relief of Victor Belen, and Lanbert Holder, of Knox county ;

No. 23. An act in relation to the Bank Tax Fund ;

No. 9. An act changing the time of holding probate courts in Allen county ;

No. 53. An act to prescribe the mode of selecting grand and petit jurors in Hendricks county ;

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof :

No. 56. An act providing for the improvement in roads in the several counties therein named ;

No. 57. An act authorizing the commissioners of the counties of Fountain and Jefferson, to employ a physician for the benefit of paupers at the asylum in said county ;

No. 60. An act to correct a misprint in an act, entitled, " An act for the relief of the administrators of John Coce, late of Dearborn county, deceased ;"

No. 15. An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana ;

In which the concurrence of the House is respectfully requested.

No. 15, in said message mentioned,

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 56, was read a first time, and ordered to a second reading.

No. 57, was read a first and second times, the rules being suspended, and ordered to a third reading.

No. 60, was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 16. An act authorizing the Church of God meeting on Wal-

nut street, in the town of Jeffersonville, to elect trustees and sell their property for the payment of their debts ;

No. 55. An act to compensate supervisors in the county of Morgan ;

No. 59. An act to incorporate the Brookville Manufacturing Company ;

No. 50. An act to vacate certain streets in Cambridge city ;

No. 74. An act defining the manner of selecting petit jurors in Morgan county ;

No. 18. An act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford ;

No. 19. An act to authorize additional compensation to the auditor of Morgan county.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof :

No. 58. An act to amend an act, entitled, " An act to incorporate the Young Men's Literary Association of Richmond, Wayne county, Indiana," approved February 15, 1839 ;

No. 51. An act to provide for the permanent location of the seat of justice of Noble county ;

No. 12. An act to remove the disability of Francis Lafontaine, Catharine Richardville, La Blond Richardville, and Susan Richardville, to sell and convey real estate, and to legalize any sales that may have been made by them, or either, or any of them, previous to the passage of this act ;

No. 33. An act repealing an act, making canal scrip receivable for tolls and water rents on the Wabash and Erie canal, approved February 8, 1843.

Nos. 12, 18, 19, 16, 50, 51, 55, 59, and 74, in said message, mentioned,

Were each severally read a first time, and ordered to a second reading.

No. 33, in said message,

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

No. 58, in said message,

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representa-

tives, that the Senate have passed the following engrossed bills of the House.

No. 74. An act to alter the width of a State road from Connersville to St. Omar ;

With one amendment.

No. 17. An act for the relief of the heirs of William Pinnick, deceased, of Orange county ;

With one amendment.

No. 54. An act to change the time of holding the probate courts in the counties of Perry and Harrison ;

With one amendment.

No. 40. An act for the relief of certain purchasers of school lands in Vanderburgh county, therein named ;

With one amendment.

In which amendments of the Senate to said bills of the House, the concurrence of the House is respectfully requested.

The amendments mentioned in said message to bills No. 17, 40, 54, and 74,

Were each severally read and concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, without amendment :

No. 26. An act regulating the jurisdiction of justices of the peace in the counties of Lake and Porter ;

No. 39. An act to dissolve the bonds of matrimony between James Hays of Perry county, and Catharine Hays ;

No. 16. An act to legalize the official acts of John Nixon, school commissioner of Washington county ;

No. 117. An act to authorize the treasurer of Pike county, to act as school commissioner ;

No. 84. An act regulating the fees of petit jurors in Hancock county ;

No. 5. An act declaratory of the meaning of the 29th section of the first article of the 45th chapter of the Revised Statutes of 1843 ;

No. 24. An act to authorize the refunding of taxes in certain cases ;

The House again took up for consideration bill 157, with the amendment as proposed by Mr. Dowling ;

Mr. Dowling then withdrew his amendment ;

And on the question being put,

"Shall the report of the committee be concurred in?"

Messrs. Carr and Moore demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Burns, Carr, Coon, Endecott, Fuller, Logan, McDonald, Mickle, Mooney, Moore, Osborn of Sullivan, Scott, Seawright, Secrest, Shanks, Slater, Sleeth, Tedford, Turner, Vandever, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Wilson of Sullivan—28.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Carter, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Henton, Heron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Lewis, Lowe, McCormack, McRea, Meeker, Monroe, Morrow, Nelson, Nofsinger, Osborn of Laporte, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Smith, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Watt, Wise, and Mr. Speaker—69.

So said report was not concurred in.

The question then recurring on the engrossment of bill No. 157, Mr. Osborn of Laporte offered the following amendment:

Amend so that each stockholder shall be individually liable for all the debts of the company to the amount of his stock, which may be unpaid if the company is unable to pay the same owing to its insolvency. And if any stockholders shall be compelled to pay any debt of said company as provided for in this section, the other stockholders thereof whose stock may remain unpaid in whole or in part shall be liable to pay the said stockholders their proper share of said debt, which may be recovered by a bill in chancery or action of debt or assumpsit.

Mr. McDonald offered the following amendment to the amendment:

The said stockholders shall each be held responsible to all creditors, in their individual capacity, to the amount of stock by each owned and subscribed, on failure of said corporation to discharge all its debts and legal liabilities.

Mr. McDonald moved to refer the bill, with the amendments, to a select committee;

Which was not adopted.

The question then being,

“Shall the amendment to the amendment be adopted?”

It was decided in the negative.

And the question then recurring on the amendment offered by the gentleman from Laporte,

It was adopted.



Mr. Carr offered the following amendment:

The stockholders in said corporation shall be liable in their individual capacity for all indebtedness above the amount of stock actually subscribed;

Which was adopted.

And said bill, No. 157, with the amendments, were ordered to be engrossed for a third reading.

The House then adjourned until to-morrow morning, 9 o'clock.

## SATURDAY MORNING, DECEMBER 20, 1845.

House met pursuant to adjournment.

On motion by Mr. Shanks,  
The reading of the journal of yesterday was dispensed with.

Mr. Moore moved a call of the House;

Which was seconded.

After some time spent therein,

The further call was suspended.

Mr. Moore moved that Mr. Secrest be excused attendance till next Monday morning;

Which was adopted.

Mr. Endecott, the rules being suspended, offered the following resolution:

*Resolved*, That the Governor be requested to communicate to the House the report of the engineers appointed by him to ascertain and fix the location of the Wabash and Erie canal from Terre Haute to Evansville; and also, a statement of the costs of the survey and location made by said engineers;

Which was adopted.

Mr. Tedford, from the committee on enrolled bills, made the following report:

### MR. SPEAKER:

The committee on enrolled bills have compared the following with engrossed bills, and find them correctly enrolled:

No. 84. An act regulating the fees of petit jurors in the county of Hancock;

No. 117. A bill authorizing the treasurer of Pike county to perform the duties of school commissioner;

No. 39. A bill to dissolve the bonds of matrimony between James Hays of Perry county and Catharine Hays;

No. 24. An act to authorize the refunding of tax in certain cases;

No. —. A bill declaratory of the meaning of the 59th section of the first article of the 45th chapter of the Revised Statutes of 1843;

No. 16. A bill to legalize the official duties of John Nixon, school commissioner of Washington county;

No. 26. An act regulating the jurisdiction of justices of the peace in the counties of Lake and Porter;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Arnold, from the committee on public expenditures, made the following report:

MR. SPEAKER:

The committee on public expenditures, to whom was referred a resolution of the House directing them to enquire into the expediency and probable cost of publishing all statutes of a general and public nature which might hereafter be enacted, containing therein a provision that the same shall be in force from and after their publication in some newspaper printed at Indianapolis, and requiring a copy of such newspaper to be forwarded to each of the clerks of the several circuit courts in this State, have had the same under consideration and directed me to report that they deem legislation on the subject matter contained in the resolution inexpedient, and ask to be discharged from the further consideration thereof.

Which report was not concurred in; and,

On motion by Mr. Baker,

Said resolution was referred to a select committee of seven, viz: Messrs. Baker, Kimberlin, Riley, Hinchman, Parker, Chambers, and Wilson of Noble.

Mr. Kimberlin, from the committee on public expenditures, made the following report:

MR. SPEAKER:

The committee to whom was referred the resolution of the House enquiring into the expediency of making such additional allowance to Andrew Robb, of Madison county, as they might think right and just, for distributing the Revised Statutes of 1843, in the twelfth judicial circuit, have had the same under consideration, and directed me to report as follows: That after hearing the evidence on the part of Mr. Robb, they would recommend an additional allowance of fifteen dollars for the above mentioned service, and ask the concurrence of the House therein.

Said report was laid upon the table.

Mr. Wise, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred the petition of John McIntire, beg leave to report that they have had the same under consideration, and are fully satisfied, not only from the statements of said petition, but from their own personal knowledge of the facts, that much injustice has been done said McIntire in the valuation of the lands referred to in said petition. The thirty-six acres, about which he complains most heavily, though adjoining to the town of Madison, is yet broken, hilly ground, and its value is much nearer \$3000, at which it was assessed by the assessor, than \$16,000, to which it was raised by the board of equalization. The difference in the State tax alone, between what he now pays and what he would be required at the original assessment, is \$26 per annum. This disproportion is altogether too great; and in the opinion of your committee, the wrong ought to be corrected. They, therefore, recommend the passage of the following bill:

No. 170. An act for the relief of John McIntire;

Was read a first time, and ordered to a second reading.

Mr. McCormack from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred the petition of Adam Shambaugh, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 171. An act to dissolve the bonds of matrimony, between Adam Shambaugh and Elizabeth Shambaugh;

Was read a first time, and ordered to a second reading.

Mr. Tedford from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred the petition of sundry citizens of Carroll county, praying for a tax to be levied on non-resident land, for road purposes in said county, have had the same under consideration, and have directed me to report that a law to tax non-resident lands according to the prayers of the petitioners would be a violation of the fourth article of an ordinance passed by the convention which framed the constitution of Indiana, which contains, among other things, a clause that in no case shall

non-resident proprietors be taxed higher than residents; we therefore ask to be discharged from further consideration of the same;

Which was concurred in.

Mr. Clymer from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the memorial of Dr. Milton Latto and others, have had that subject under consideration, and instructed me to report the following bill, and recommend its passage:

No. 172. An act to incorporate the Union Medical Society of Northern Indiana;

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Tomlinson from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of the citizens of Delaware and Henry counties, praying for the change of a county road therein, to that of a State road, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 173. An act declaring a certain road therein contained, a State road;

Was read a first time, and ordered to a second reading.

Mr. Clements from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of James P. McGaughey, and fifty-four others, citizens of Daviess and Martin counties, asking for a State road in said counties, have had the same under consideration, and have instructed me to report the following bill:

No. 174. An act to survey and locate a State road from Robinson's ferry on White river in Daviess county, to Harrisonville, in Martin county;

Was read a first time, and ordered to a second reading.

Mr. Wilson of Marion, from a select committee, made the following report:

MR. SPEAKER :

The committee to whom was referred the petition of Frederick Hartzell, praying a dissolution of the marriage contract, have had the same under consideration, and have instructed me to report the following bill and recommend its passage :

No. 175. An act to dissolve the bonds of matrimony between Frederick Hartzell and Rosanna Hartzell ;

Was read a first time, and ordered to a second reading.

Mr. Turner from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of two hundred and eighty-nine citizens of Blackford county, and the petition of fifty-four citizens of Grant county, have had the same under consideration, and a majority of your committee, Mr. Morrow, dissenting, have directed me to report the following bill and respectfully ask its passage :

No. 219. A bill to detach a portion of Grant county, and attach it to Blackford ;

Was read a first time, and ordered to a second reading.

Mr. Vandever asked leave to withdraw from the files the bill and petition of Daniel Dayhuff, of Orange county ;

Which leave was granted.

Mr. Taber, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill, No. 12, of the House, have had the same under consideration, and directed me to report the same back to the House with three amendments, and recommend its passage.

Which was concurred in.

No. 12. An act to amend an act, entitled "An act incorporating the Michigan Road Company," approved January 13, 1845.

Mr. Dowling moved to strike out the 5th section :

Which the Chair decided not to be in order.

Mr. Dowling then moved to reconsider the vote just taken on concurring in the report of the committee ;

Which motion prevailed.

The question then recurring on the report of the committee being concurred in,

Messrs. Moore and Logan demanded the ayes and noes.



*Those who voted in the affirmative are,*

Messrs. Ford, Hazelrigg, Henton, Legg, Rousseau, Smith, Stanfield, Stapp, Taber, and Wise—10.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Carnan, Chambers, Clements, Coffin, Conduit, Cookerly, Coon, Cornelius, Cox, Cruikshank, Davis, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Henry, Herron, Hinchman, Huff, Jackson, Jones, Kerr, Kimberlin, Lanius, Leyman, Lemmonds, Lewis, Logan, Lowe, McCormack, McDonald, McRae, Meeker, Monroe, Mooney, Moore, Morrow, Nelson, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington Porter, Powers, Riley, Rippey, Robinson, Ruby, Scott, Shanks, Slater, Sleeth, Stewart, Thompson, Tomlinson, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—75.

So said report was not concurred in.

Mr. Dowling moved to recommit the bill to a select committee with instructions to "perfect" the bill;

Which was adopted.

The Speaker appointed Messrs. Dowling, Taber and Smith, said committee.

Mr. Osborn of Laporte, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred bill of the House, No. 85, entitled, An act declaratory of the meaning of an act, entitled, "An act authorizing the commissioner east and west of the Tippecanoe, to sell lands in tracts of forty acres," &c., have considered the same, and instructed me to report it back to the House with the following amendment: add to the first section the following: *Provided*, The person making such application shall first prove by competent testimony by affidavit, to be filed with and kept by said commissioner, that such sale and entry will not prejudice the sale of the remaining forty acres of the half quarter section from which the same may be sold and taken," and recommend its passage with the above amendment; and said committee ask to be discharged from the further consideration thereof.

No. 85. An act declaratory of the meaning of an act, entitled, "An act authorizing the commissioner east and west of Tippecanoe, to sell lands in tracts of forty acres," approved Feb. 13, 1843.

Mr. McDonald moved that the bill be laid upon the table ;  
Which was adopted.

Mr. Hazelrigg, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred a bill of the House, No. 103, entitled, " A bill to modify the 30th section, chapter 16, of the Revised Statutes," have had that subject under consideration, and directed me to make the following report: amend the first section by adding the following: "*Provided*, That said road shall not be less than twenty feet in width."

2d. Amend the second section by adding the following: "*Provided*, That said road shall not be reduced below the width of twenty feet."

The committee recommend that the bill, as amended, pass, and ask to be discharged from the further consideration of the same.

Which amendments of the committee were concurred in ; and said bill

No. 103, with the amendment,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Hazelrigg made the following report :

MR. SPEAKER :

The select committee, to whom was referred the memorial of the Wabash Manual Labor College and Teachers' Seminary, have had that matter under consideration, and a majority of the committee have directed me to report the following bill, and recommend its passage :

No. 176. An act for the relief of the Wabash Manual Labor College and Teachers' Seminary ;

Was read a first time, and ordered to a second reading.

Mr. Davis, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the bill of the House, No. 105, have had the same under consideration, and have directed me to report said bill back to the House, without amendment, and recommend its passage :

No. 105. An act to repeal the 9th section, of chapter 35, of the Revised Statutes of 1843 ;

Was read and ordered to be engrossed for a third reading.

Mr. Riley made the following report :

MR. SPEAKER :

The select committee, to whom was referred the memorial of James Rutherford of Hancock county, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 177. A bill for the relief of James Rutherford;  
Was read a first time, and ordered to a second reading.  
Mr. Baker made the following report:

MR. SPEAKER :

The select committee, to whom was referred the bill of the Senate, No. 3, entitled, a bill to authorize the holding of special terms of the circuit courts in the 12th judicial circuit, have had the same under consideration, and have directed me to report it back to the House with this amendment, to-wit: strike out all after the enacting clause, and insert the following in lieu thereof.

Which was concurred in ; and said bill, as amended,  
Ordered to a third reading.  
Mr. Carr, on leave granted, made the following report:

MR. SPEAKER :

The committee of ways and means, to whom was referred bill of the Senate No. 17, Entitled "An act to amend the 94th section of chapter 12, Revised Statutes of 1843, have had that subject under consideration and have directed me to report the same back to the House and recommend its passage;

Which was concurred in, and said bill read a third time and passed,

*Ordered*, That the Clerk inform the Senate thereof,  
Mr. Carr also made the following report;

MR. SPEAKER :

The committee of ways and means to whom was referred the petition of sundry citizens of Clinton county, praying that the time for the payment of the surplus revenue and other trust funds, may be extended, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 178. A bill for the relief of the borrowers of the surplus re-

venue, and other funds, and for the better securing the payment thereof;

Was read a first time, and passed to a second reading.

Mr. Henry made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the county of Hancock, praying for a re-valuation of real estate in said county, direct me to report, that as the object of the petitioners will be obtained by the general law which has passed this House, they ask to be discharged from the further consideration of the subject;

Which was concurred in by the House.

Mr. Vandeverer offered the following resolution:

*Resolved*, That the Clerks of this House have leave to employ assistants, when they deem the same necessary;

Which was adopted.

On motion by Mr. Nofsinger,

*Resolved*, That the Auditor of State be requested to communicate to this House, without delay, the amount of money advanced by the State, under the law of 1835-6, providing for a general system of internal improvement, on the White Water canal, the Madison and Indianapolis Railroad, the New Albany Turnpike road, the Central canal, the Wabash and Erie canal, and all other State works, with the amount of interest due for money expended on each work, and for which the people of Indiana are liable; and also, the amount of tolls on each work coming into the State treasury.

On motion by Mr. Clements,

*Resolved*, That the Auditor of State be requested to furnish the select committee, (raised by this House, to enquire into and report what further legislation is necessary on the New Albany and Vincennes road) with the reports of the superintendent of that road, for the years 1844 and 1845, and the statistics.

On motion by Mr. Lewis,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the 100th section of the 12th chapter of the Revised Statutes of Indiana of 1843, so as to allow the former owner of any land sold for taxes four years, instead of two years to redeem the same, and report by bill or otherwise.

On motion by Mr. Carr,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of reducing the amount of bonds required of the several county auditors in this State on account of the management of the trust funds, with leave to report by bill or otherwise.

## BILLS INTRODUCED.

By Mr. Coon,

No. 179. A joint resolution on the subject of the reduction of the price of the public lands;

By Mr. Fuller,

No. 181. A bill to remunerate justices of the peace of the county of Warrick, for their services on the county board;

By Mr. McRea,

No. 182. A bill to legalize certain deeds therein named;

By Mr. Tedford,

No. 183. A bill to correct the boundary line of Richardville county;

By Mr. Webb,

No. 186. A bill to reduce the fees of the recorder of Johnson county;

By Mr. Mooney,

No. 187. A bill in relation to the fees of recorder and auditor in the counties of Jackson, Adams and Jay;

By Mr. Moore,

No. 188. A bill to secure a more economical management of the common school fund;

By Mr. Parker,

No. 189. A bill to provide for the more effectual punishment of certain offences in the county of Allen;

By Mr. Leyman,

No. 190. A bill to regulate the time of holding circuit courts in the county of Tippecanoe;

By Mr. Leyman,

No. 191. A bill authorizing the president and trustees of Lafayette to purchase and hold real estate, and for other purposes;

By Mr. Rippey,

No. 192. A bill relative to supervisors of roads in the counties of Kosciusko and Whitley;

By Mr. Henry,

No. 193. A bill authorizing Rhoda Butler to mortgage certain real estate;

By Mr. McCormack,

No. 194. A bill to extend the terms of the boards doing county business in the county of Tippecanoe;

By Mr. Logan,

No. 195. A bill to change the time of holding probate courts in the county of Pike;

By Mr. Lanius,

No. 197. A bill for the relief of the heirs of Michael Ross, deceased;

By Mr. Cookerly,



No. 198. A bill to amend the justices of the peace act, and to repeal the 334th section of article 14, chapter 47, of the Revised Statutes ;

By Mr. Webber,

No. 179. A bill to repeal a certain section of the Revised Statutes of Indiana ;

By Mr. Wilson of Sullivan,

No. 201. A bill prescribing the mode of selecting petit jurors in Sullivan county ;

By Mr. McDonald,

No. 202. A bill to amend the Revised Statutes of 1843 relative to stock and exchange brokers, and for other purposes ;

By Mr. Robinson,

No. 205. An act to amend an act entitled " An act to incorporate the Michigan road company south of Indianapolis," approved January 13th, 1845 ;

By Mr. Taber,

No. 206. An act changing the time of holding probate courts in Cass county ;

By Mr. Robinson,

No. 128. A bill to repeal in part an act entitled " An act to provide for summoning grand and petit jurors in Decatur and Warren counties," approved January 15, 1845 ;

By Mr. Endecott,

No. 209. An act to extend the provisions of the Revised Statutes of 1843 in relation to roads and highways in Posey county ;

By Mr. Hinchman,

No. 214. A bill to change the mode of working roads in Rush county ;

By Mr. Thompson,

No. 215. An act to dissolve the bonds of matrimony between Benjamin Rosecrants and Sarah Ann Rosecrants, of Perry county ;

By Mr. Hazelrigg,

No. 217. An act for the relief of Barbara Ann May ;

Which were each severally read a first time, and ordered to a second reading.

Mr. Stapp introduced bill

No. 180. A bill for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased ;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Edwards,

No. 184. A bill to incorporate the White river slack water navigation company ;

Which was read a first and second times, the rule being suspended, and referred to the committee on corporations.

By Mr. Blackwell,

No. 185. A bill to amend an act therein named ; .

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

By Mr. Ellis,

No. 196. A bill to extend the provisions of an act therein named to Madison county ;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Ellis, Bowman and Herron ;

By Mr. Thompson,

No. 200. A bill to amend the 20th chapter of the Revised Statutes of the State of Indiana, passed at the 27th session of the General Assembly ;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Chambers,

No. 203. A bill to repeal the 169th section of chapter 35, of the Revised Acts of 1843, relating to apprentices ;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Ferguson,

No. 204. A bill defining the boundaries between the counties of Clark and Washington ;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Monroe, Ferguson and Mooney ;

By Mr. Davis,

No. 207. A bill for the benefit of supervisors in Scott county ;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Davis, Jones and Wise.

By Mr. Wise,

No. 210. A bill to amend the 40th chapter of the Revised Acts of 1843, relating to the service of process ;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Cornelius,

No. 211. A bill to revive part of an act therein named in the county of Dearborn ;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed.

By Mr. Clements,

No. 212. A bill transferring the duties of school commissioner of Daviess and Martin counties to the treasurers of said counties ;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed.

By Mr. Arnold,

No. 213. A bill to repeal an act entitled " An act to provide," &c. ;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

By Mr. Cox,

No. 216. A bill to enable creditors to collect their debts ;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

#### PETITIONS, MEMORIALS, &c. PRESENTED.

By Mr. Cookerly,

A remonstrance from sundry citizens of Lost Creek township in relation to the school section of said township ;

Which was referred to the same select committee to whom was referred the petitions on the same subject.

By Mr. Smith,

A petition of sundry citizens of Kosciusko and Fulton counties, asking for a law attaching a part of Kosciusko county to the county of Fulton ;

Which was referred to a select committee of Messrs. Smith, Stanfield and Rippey.

By Mr. Moore,

Two petitions from the citizens of Monroe county, asking that the existing laws in relation to the collection of debts, mode of doing county business, the road laws, the school laws, &c., may be changed, and made uniform throughout the State ;

Which was referred to the judiciary committee.

By Mr. Nelson,

A petition from sundry citizens of Montgomery, Parke, and Putnam counties, praying for the formation of a new county ;

Which was read and referred to a select committee of Messrs. Hazelrigg and others ; and

On motion,

Messrs. Brumfield and Lowe were added to said committee.

By Mr. Ford,

A petition of sundry citizens on the subject of a railroad, commencing at Cambridge City and terminating at Fort Wayne City :

Which was read and referred to a select committee of Messrs. Parker, Mickle, Turner, Davis and Ford.

By Mr. Webber,

A petition from Nicholas McCarty and seven hundred and seventy-six others, citizens of Marion county, praying for the passage of a law authorizing him to build a mill dam across White river ;

Which was read and referred to a select committee of Messrs. Webber, Lowe, Chambers, Moore, Tomlinson, Hazelrigg and Cox.

By Mr. Hinchman,

A petition from sundry citizens, praying the passage of a law to abolish capital punishment :

Which was read and referred to the judiciary committee.

By Mr. Conduit,

A petition of William Mauker, and others, of Morgan county ;  
Which was read and referred to the judiciary committee.

By Mr. Thompson,

A petition of sundry citizens of Perry county, praying the passage of a law to attach a portion of Perry county to Crawford county ;

Which was read and referred to a select committee of Messrs. Thompson, McRae, and Huff.

By Mr. Taber,

A petition from sundry citizens of Cass county, in relation to building a certain district school-house in said county ;

Which was read and referred to a select committee of Messrs. Taber, Smith, and Slater.

By Mr. Brumfield,

A remonstrance against the passage of a law forming a new county out of Parke, Putnam, and Montgomery ;

Which was read and referred to a select committee on the same subject, consisting of Messrs. Hazelrigg, and others.

By Mr. Hazelrigg,

A petition from sundry citizens of Boone county, praying for the passage of a law for the relief of Jacob Jones ;

Which was read and referred to a select committee of Messrs. Hazelrigg, Osborn of Laporte, Taber, and Tedford.

By Mr. Henry,

A petition asking a charter for the Greenfield Musical Band ;

Which was read and referred to a select committee of Messrs. Henry, Stapp, and Riley.

By Mr. Herron,

A remonstrance against the removal of the land office at Peru ;

Which was read and referred to the committee on canals and internal improvements.

By Mr. Lanius,

A petition from sundry citizens of Ohio and Switzerland counties, praying the passage of a law making a certain road in said counties a State road ;

Which was read and referred to a select committee of Messrs. Lanius, Cornelius, and Burns.

Mr. Shanks made the following report :

MR. SPEAKER :

The committee on education, to whom was referred a bill of the House, No. 110, to enable the inhabitants of the several congressional townships in Harrison county, to re-appraise and sell any of their unsold school lands with instructions to make the bill a general one, have directed me to report the following amendments, which in the opinion of your committee will make the bill general.

Strike out the words "Harrison county," and insert "this State;"

Which was concurred in, and said bill was read a third time and passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Dowling, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill No. 81, of the House, have had the same under consideration, ("A bill to provide for the leasing of water-power on the Wabash and Erie canal,") have directed its return to the House, and recommend the passage of the same ;

Which was concurred in ; and said bill was ordered to be engrossed for a third reading.

Mr. Dowling, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House, No. 156, "for the relief of purchasers of canal lands lying in the county of Cass," have had the same under consideration, and have directed that the same be reported back to the House, with a recommendation for its passage ;

Which was concurred in, and said bill mentioned,

*Ordered* to be engrossed for a third reading.

Mr. Logan made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House, No. 69, entitled, "A bill in relation to a contractor on the Madison and Indianapolis railroad," have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage.

Which was concurred in, and said bill ordered to be engrossed for a third reading.

Mr. Nofsinger made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House, No. 118, entitled, "An act compel-



ling the White Water Valley Canal Company to make bridges," have duly considered the same, and instructed me to report the bill back to the House and recommend its indefinite postponement; for the reason that the committee regard the bridges as parts of the road, and should be constructed and kept in repair by the same authority and means, which are provided for the roads;

Pending which,

On motion by Mr. Seawright,

The House adjourned until Monday morning, 9 o'clock, A. M.

## MONDAY MORNING, DECEMBER 23, 1845.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Auditor of State, containing the report and papers of the Agent of the New Albany and Vincennes Road;

Which was,

On motion by Mr. Clements,

Referred to the committee on the affairs of the New Albany and Vincennes road.

The Speaker announced to the House that the question pending at the last adjournment was upon concurring in the report of the committee for the indefinite postponement of bill,

No. 118. "An act compelling the White Water Valley Canal Company to make bridges."

Messrs. Cruikshanks and Hinchman demanded the ayes and noes, on concurring in the report.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Carnan, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Edwards, Ellis, Ford, Hall of Gibson, Hall of Warren, Harvey, Herron, Hill, Hinchman, Huff, Jackson, Julian, Kerr, Kimberlin, Legg, Lewis, Logan, Lowe, McRae, Meeker, Morrow, Nofsinger, Pennington, Porter, Powers, Rippey, Robinson, Rousseau, Ruby, Shanks, Smith, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Wise, and Yocum—53.

*Those who voted in the negative are,*

Messrs. Burns, Carr, Carter, Chambers, Coon, Cruikshank, Davis, Endecott, Ferguson, Fuller, Henry, Henton, Jones, Lanius, Leyman, Lemmonds, McCormack, Mickle, Monroe, Mooney, Moore, Nelson, Osborn of Sullivan, Parker, Riley, Seawright, Slater, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—38.

So said report was concurred in.

And said bill was indefinitely postponed.

Mr. Nofsinger made the following report:

MR. SPEAKER:

The committee on canals and internal improvement, to whom was referred bill of the House No. 106, entitled "An act to repeal an act, legalizing certain proceedings therein named," have had the same under consideration, and instructed me to report the bill back to the House, and recommend that it be indefinitely postponed;

Which report was concurred in,

And said bill No. 106,

Was indefinitely postponed.

Mr. Baker made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred bill of the House No. 148, entitled "A bill for the relief of the widow and children of Jesse Colinger, deceased," have had the same under consideration, and have instructed me to report the same back to the House with this amendment, to-wit; strike out all after the enacting clause, and insert the following in lieu thereof.

The amendment was concurred in,

And said bill No. 148,

With the amendment,

Was ordered to be engrossed for a third reading.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the Senate No. 38, "to incorporate a Lutheran Church in Franklin county," have had the same under consideration, and have directed

me to report said bill back to the House without amendment, and recommend its passage;

Which report was concurred in,

And said bill No. 38,

Was ordered to be engrossed for a third reading.

Mr. Turner made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred the memorial "of the Sisters of Providence" have had the same under consideration, and directed me to report the following bill and respectfully recommend its passage.

No. 218. A bill to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county;

Was read a first time, and ordered to a second reading.

The following message was received from his Excellency the Governor, by J. B. Powers, his private Secretary:

MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the House of Representatives, that on the 19th day of December, A. D. 1845, he approved and signed,

No. 20. Of the House, "A joint resolution in relation to the claim of Col. Francis Vigo, late a citizen of Knox county, Indiana;" also,

No. 42. Of the House, "An act dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert;" also,

No. 78. Of the House, "An act declaring a certain county road, a State road, in Clay county;" also,

No. 63. Of the House, "An act to vacate a part of Water street, in the town of Rushville, in the county of Rush;" also,

No. 7. Of the House, "A joint resolution instructing our Senators, and requesting our Representatives in Congress to procure the passage of a law for the relief of pre-emption settlers on the Miami Reserve;" also,

No. 62. Of the House, "An act to authorize the trustees of congressional township, number four south, in range five east, in Harrison county, to subdivide and change the school district in said township;" also,

No. 64. Of the House, "An act for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in the county of Scott;" also,

No. 44. Of the House, "Joint resolution on the subject of the Michigan city Harbor;" also,

No. 46, of the House, "An act to change the mode of electing county surveyor in the county of Orange ;  
All of which originated in the House of Representatives.

Mr. Robinson made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred bill, No. 15, of the Senate, "An act to incorporate the Independent Order of Odd Fellows of the State of Indiana," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage, with the following amendment :

"The Legislature reserves to itself the right to alter, amend, or repeal this act at any time."

Mr. Thompson offered the following amendment :

"By a vote of two-thirds of each House, and not otherwise."

Messrs. Moore and Thompson demanded the ayes and noes on the amendment.

*Those who voted in the affirmative are,*

Messrs. Carnan, Conduit, Dole, Ford, Hinchman, Kerr, Mooney, Osborn of Laporte, Stanfield, and Stapp—10.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Carter, Chambers, Clements, Clymer, Coffin, Cookerly, Coon, Cornelius, Cox, Cruikshank, Davis, Dowling, Edwards, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Hall of Warren, Harvey, Henry, Henton, Herron, Hill, Jackson, Jones, Julian, Kimberlin, Logan, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McDonald, McRae, Meeker, Mickle, Monroe, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Seawright, Shanks, Slater, Sleeth, Smith, Stewart, Taber, Tedford, Thompson, Tomlinson, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—83.

So said amendment was not adopted.

Mr. Baker then offered the following amendment :

"*Provided*, That upon a repeal of the charter or the dissolution of the corporation, the property held by said corporation at the time of such repeal, may be disposed of, sold and conveyed in such manner as a majority of the corporators shall direct ;"

Which was adopted.

The question then being on concurring in the report of the committee, as amended by Mr. Baker,

Messrs. Moore and Rousseau demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Carnan, Carter, Chambers, Clements, Clymer, Coffin, Conduit, Coon, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Henton, Herron, Hill, Hinchman, Jackson, Julian, Kerr, Kimberlin, Lanius, Lemmonds, Lewis, Logan, Lowe, McCormack, McDonald, McRae, Meeker, Mickle, Monroe, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Ruby, Seawright, Shanks, Slater, Sleeth, Smith, Stanfield, Stapp, Stewart, Tedford, Thompson, Tomlinson, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—85.

*Those who voted in the negative are,*

Messrs. Cookerly, Cornelius, Henry, Legg, Osborn of Laporte, Rousseau, and Taber—7.

So the report, as amended, was concurred in.

Said bill, No. 15, was ordered to a third reading.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the House, No. 57, to encourage manufactures, have, according to order, had the same under consideration, and directed me to report the following amendment to said bill, and when so amended, recommend its passage:

Add the following section to the bill:

“That the stockholders in all the associations formed under the provisions of this act shall be liable for the debts of their respective associations in their individual capacity.”

Mr. Clements offered the following amendment to the amendment:

“If such company at any time exceed in their business, or become indebted to a larger amount than the stockholders;”

Which was not adopted.

Mr. Seawright moved that the bill and amendments be laid upon the table.

Which was not adopted.



The question then being,  
 "Shall the report of the committee be concurred in?"  
 Messrs. Moore and Logan demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Burns, Carr, Carter, Chambers, Coon, Cruikshank, Davis, Endecott, Ford, Fuller, Henton, Herron, Jackson, Jones, Kimberlin, Leyman, Lemmonds, Logan, McCormack, McDonald, Mickle, Monroe, Mooney, Moore, Nelson, Nofsinger, Osborn of Laporte, Powers, Riley, Rippey, Seawright, Shanks, Slater, Sleeth, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—48.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Carnan, Clements, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Edwards, Ferguson, Hall of Gibson, Hall of Warren, Harvey, Henry, Hill, Hinchman, Huff, Julian, Kerr, Lanius, Legg, Lewis, McRae, Meeker, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Smith, Stanfield, Stapp, Stewart, Taber, Tomlinson, and Wise—42.

So the report with the amendment was adopted.

Mr. Stapp moved that the whole matter lie upon the table ;

Which was adopted.

Mr. Lewis made the following report :

**MR. SPEAKER :**

The committee on corporations, to whom was referred bill of the Senate, No. 58, being "an act to amend an act, entitled, An act to incorporate the Young Men's Literary Association of Richmond, Wayne county, Indiana," approved February 15, 1839, have had the same under consideration, and have directed me to report it back and recommend its passage:

Said bill No. 58, was ordered to a third reading on to-morrow.

Mr. Mickle made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred the petition of sundry citizens of Wells, Huntington, Jay and Adams counties, praying the institution of an inquiry of the Governor of Ohio by the Governor of this State, as to the probability of the State of Ohio joining with this State in the construction of a canal from the reservoir in

Mercer county, Ohio, to Huntington, in Huntington county; also, as to the possibility of obtaining water from said reservoir to feed said contemplated canal, beg leave to report, that they have had the subject under consideration, and have directed me to report the following joint resolution, and respectfully ask its passage :

No. 220. A joint resolution on the subject of the reservoir in Mercer county, Ohio ;

Was read a first time, and ordered to a second reading.

Mr. Dowling, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of E. W. H. Ellis and others, on the subject of advertising lands mortgaged to the sinking fund, delinquent tax lists, and estrays, have had the same under consideration, and have directed me to report a bill on the first branch of the subject, and ask further time to examine the other requests of the petitioners.

No. 221. An act prescribing the mode of advertising sales of lands mortgaged to the sinking fund ;

Which was read a first time, and ordered to a second reading.

Mr. Vandever, the rules being suspended, offered the following resolution :

*Resolved*, That this House will, this day at two o'clock, P. M., proceed to the election of Agent of State, the Senate concurring therein, and that seats be provided for them on the right of the Speaker's chair ;

Which was not adopted.

Mr. Nelson made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Montgomery county, praying for an additional justice of the peace in Union township, in said county, have had that subject under consideration, and a majority have directed me to report the following bill and recommend its passage :

No. 222. An act providing for the election of an additional justice of the peace in Union township, Montgomery county ;

Which was read a first time, and ordered to a second reading.

Mr. Smith made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sun-

dry citizens of the counties of Fulton and Kosciusko, have had that subject under consideration, and a majority of that committee have instructed me to report, that the strip which the petitioners ask to be attached to the county of Fulton now justly belongs to said county of Fulton; that it was included in the boundaries of the county of Kosciusko in the Revised Statutes of 1843, through mistake. The committee find, upon examination, that by an act entitled "An act to attach the quarter of township thirty north, of range four east, to Fulton county," this strip is attached to the county of Fulton. The same act has the following provision, to wit: "For the purpose of organizing congressional township schools in said township, and for no other purposes whatever." That subsequently, by an act of the Legislature, approved February 24th, 1840, it is provided, "*that so much of the act aforesaid, as says for the purpose of organizing congressional township school and for no other purposes whatever, be and the same is hereby repealed.*" Leaving said territory attached to said county of Fulton for all purposes. The committee are therefore clearly of opinion that the territory belongs to the county of Fulton. That in the revision of the Revised Statutes of 1843, as before stated, it was included in the boundaries of the county of Kosciusko through mistake. We would further state, that it was the understanding of both counties until the spring of 1845, that this territory belonged to Fulton county, at which time the mistake was first discovered. That the county of Fulton all this time claimed and had jurisdiction over this territory, elected one of their associate judges who resided in this strip, and that her right to this strip never was disputed by the people of Kosciusko until the spring term of the Fulton circuit court, at which time Judge John W. Wright, in examining the boundaries of the two counties declared that by the statute of 1843 this strip was included in the boundaries of Kosciusko, and that the associate judge who resided in this strip, and who had served three or four years, was not in the county of Fulton. We have therefore drawn up the following bill and recommend its immediate passage:

No. 223. An act declaring a mistake in the Revised Statutes of 1843, in relation to the boundaries of Kosciusko and Fulton counties, and for other purposes;

Which was read a first time and ordered to a second reading.

Mr. Coffin made the following report:

MR. SPEAKER:

The select committee, to whom was referred a resolution of the House on the subject of the tolls, water rents and transit duties on the Wabash and Erie canal, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 224. A bill to repeal a part of an act therein named :  
 Was read a first time and ordered to a second reading.  
 Mr. Henry made the following report :

MR. SPEAKER :

The committee to whom was referred the petition of sundry citizens of Hancock county, praying for a charter for the Greenfield Hoosier band, have had the same under consideration and direct me to report the following bill and recommend its passage :

No. 225. An act to incorporate the Hoosier band of Greenfield ;  
 Was read a first time and ordered to a second reading.

On motion by Mr. Kerr,

*Resolved*, That the House tender to the Rev. B. T. Foster the use of the Hall on Wednesday evening next, being Christmas eve, for the purpose of delivering a lecture commemorative of the birth and advent of the Savior.

On motion by Mr. Endecott,

*Resolved*, That the Governor be requested to forward to this House, as soon as convenient, a copy of the report of David W. Miller, superintendent of the construction of the new penitentiary.

On motion by Mr. Osborn of Sullivan,

*Resolved*, That the committee on the judiciary be respectfully requested to enquire into the expediency of making the certificate of the State Librarian vouchers for the necessary warrants, as suggested by the Auditor of State in his annual report, with leave to report by bill or otherwise.

On motion by Mr. Davis,

*Resolved*, That this House to-morrow at 10 o'clock, A. M., proceed to the election of Agent of State, the Senate concurring therein, and that the Senate be informed thereof, and seats be provided for them on the right of the Speaker's chair ;

Which was,

On motion by Mr. Thompson,  
 Laid upon the table ; and

On motion by Mr. Edwards,  
 The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion,

Mr. Scott was excused farther attendance for this session, on account of sickness.

#### ORDERS OF THE DAY.

##### SENATE BILLS.

No. 3. An act to authorize the holding of special terms of the circuit court, in the twelfth judicial circuit; was

On motion by Mr. Cookerly,

Laid upon the table.

No. 57. An act authorizing the commissioners in the counties of Fountain and Jefferson, to employ a physician for the benefit of the paupers at the Asylum in said counties;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

##### BILLS OF THE HOUSE ON THIRD READING.

No. 69. An act in relation to a contractor on the Madison and Indianapolis Railroad;

No. 81. An act to provide for the taxing of water power on the Wabash and Erie canal;

No. 103. An act to modify the 30th section, chapter 16, of the Revised Statutes;

No. 156. An act for the relief of purchasers of canal lands, lying in the county of Cass;

No. 185. An act to amend an act therein named.

No. 211. An act to revive part of an act therein named, in the county of Dearborn;

No. 212. An act transferring the duties of school commissioners of Daviess and Martin counties, to the treasurers of said counties;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

##### SENATE BILLS ON SECOND READING.

No. 16. A bill authorizing the Church of God, meeting on Walnut street, in the town of Jeffersonville, to elect trustees and sell their property, for the payment of their debts;

No. 50. An act to vacate certain streets, in Cambridge city;



No. 56. An act providing for the improvement of roads, in the several counties therein named;

Were each severally read a second time, and ordered to a third reading.

No. 18. An act to authorize the sale of school lands in township ten, south of range one west, in the county of Crawford;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 19. An act to authorize additional compensation to the auditor of Morgan county;

Which was,

On motion by Mr. Conduit,

Indefinitely postponed.

No. 12. An act to remove the disability of Francis Lafontaine, Catharine Richardville, La Blond Richardville, and Susan Richardville, to sell and convey real estate, and to legalize any sales that may have been made by them, or either, or any of them, previous to the passage of this act;

Which was amended, and the amendment ordered to be engrossed for a third reading.

No. 51. An act to provide for the permanent location of the seat of justice of Noble county;

Which was read and referred to a select committee of Messrs. Wilson of Noble, Fuller, and Endecott.

No. 55. A bill to compensate supervisors in the county of Morgan;

Was read a second time, and ordered to a third reading.

No. 59. An act to incorporate the Brookville Manufacturing Company;

Was read and referred to the committee on corporations.

No. 74. A bill defining the manner of selecting petit jurors in Morgan county;

Which was,

On motion by Mr. Conduit,

Laid upon the table.

#### HOUSE BILLS.

No. 170. An act for the relief of John McIntyre;

Was referred to the committee of ways and means.

No. 171. An act dissolving the bonds of matrimony between Adam Shambaugh and Elizabeth Shambaugh;

No. 173. An act declaring a certain road therein contained, a State road;

No. 174. An act to survey and locate a State road from Robinson's ferry on White river, in Daviess county, to Harrisonville, in Martin county;

No. 175. An act to dissolve the bonds of matrimony between Frederick Hartzell and Rosanna Hartzell;

No. 177. An act for the relief of James Rutherford;

No. 181. A bill to remunerate justices of the peace of the county of Warrick, for their services in the county board;

No. 186. A bill to reduce the fees of the recorder of Johnson county;

No. 187. A bill in relation to the fees of the recorder and auditor in the counties of Adams, Jackson and Jay;

No. 188. An act to secure a more economical management of the common school fund;

No. 189. An act to provide for the more effectual punishment of certain offences in the county of Allen;

No. 190. An act to regulate the time of holding circuit courts in the counties of Tippecanoe and Carroll;

No. 191. An act authorizing the president and trustees of Lafayette to purchase and hold real estate, and for other purposes;

No. 192. An act in relation to supervisors of roads in the counties of Kosciusko and Whitley;

No. 193. An act authorizing Rhoda Butler to mortgage certain real estate;

No. 194. An act to extend the terms of the board doing county business in the county of Tippecanoe;

No. 195. An act to change the time of holding probate courts in the county of Pike;

No. 197. An act for the relief of the heirs of Michael Ross, deceased;

No. 199. A bill to repeal a certain section of the Revised Statutes of 1843;

No. 201. A bill prescribing the mode of selecting petit jurors in Sullivan county;

No. 206. An act changing the time of holding probate courts in Cass county;

No. 208. A bill to repeal in part an act entitled "An act to provide for summoning grand and petit jurors in Decatur and Warren counties," approved January 15th, 1845;

No. 209. An act to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways of Posey;

No. 214. An act to change the mode of working roads in Rush county;

No. 215. An act to dissolve the bonds of matrimony between Benjamin Rosecrantz and Sarah Ann Rosecrantz, citizens of Perry county;

No. 217. An act for the relief of Barbara Ann May;

Were each severally read a second time and ordered to be engrossed for a third reading.

No. 176. An act for the relief of the Wabash manual labor college and teachers' seminary;

Was read and laid upon the table.

No. 178. A bill for the relief of the borrowers of the surplus revenue and other funds, and for the better securing the payment thereof;

Mr. Seawright offered the following amendment:

"SEC. 5. And the interest on said funds shall be and is hereby reduced to six per cent."

Messrs. Moore and Morrow demanded the ayes and noes on the passage of the amendment.

*Those who voted in the affirmative are,*

Messrs. Bowman, Carnan, Cookerly, Davis, Dole, Dowling, Ellis, Endecott, Ferguson, Ford, Fuller, Henry, Henton, Herron, Jackson, Jones, Julian, Kimberlin, Lemmonds, Logan, Lowe, McCormack, Monroe, Moore, Nelson, Osborn of Laporte, Osborn of Sullivan, Pennington, Riley, Ruby, Seawright, Slater, Sleeth, Smith, Stewart, Taber, Tedford, Vandever, Webber, Wilson of Noble, and Yocum—43.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Burns, Carr, Carter, Chambers, Clements, Clymer, Coffin, Conduit, Coon, Cornelius, Cox, Edwards, Hall of Gibson, Hall of Warren, Harvey, Hill, Hinchman, Huff, Kerr, Lanius, Leyman, Legg, Lewis, McDonald, McRea, Meeker, Mickle, Mooney, Morrow, Nolsinger, Parker, Porter, Powers, Rippey, Robinson, Rousseau, Shanks, Stanfield, Stapp, Thompson, Tomlinson, Turner, Watt, Webb, Wiley, Wilson of Marion, Wilson of Sullivan, Wise, and Mr. Speaker—53.

So said amendment was not adopted.

Mr. Baker offered the following amendment:

"That the bill be referred to the committee which reported the same, with instructions so to amend it as to require the borrowers of the several trust funds to pay one fourth of the principal of their respective loans annually in advance, the first instalment to be paid on the first day of January, 1847."

Which was not adopted.

Said bill, No. 178, was ordered to be engrossed for a third reading.

No. 179. A joint resolution on the subject of the reduction of the price of the public lands;

Which was read and laid upon the table.

No. 182. An act to legalize certain deeds therein named;

No. 183. An act to correct the boundary line of Richardville county;

Were each severally read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 198. A bill to amend the justices of the peace act, and to repeal the 34th section of article 14, chapter 47, of the Revised Statutes ;

Which was read and referred to the judiciary committee.

No. 202. A bill to amend the Revised Statutes of 1843, relative to stock and exchange brokers, and for other purposes ;

Which was read and referred to the judiciary committee.

No. 205. An act to amend an act entitled " An act to incorporate the Michigan road company south of Indianapolis," approved January 13th, 1845 ;

Which was referred to a select committee of Messrs. Robinson, Hazelrigg, Blackwell, Sleeth and Cornelius.

No. 219. A bill to detach a portion of Grant county and attach it to Blackford ;

Which was,

On motion by Mr. Morrow,

Indefinitely postponed.

The following message was received from the Senate by Mr. Gorman, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, without amendment :

No. 100. An act to amend an act entitled " An act to change the time of holding probate courts in Martin county," approved January 13, 1845 ;

No. 97. An act to locate a State road in Tippecanoe county ;

No. 160. An act authorizing the county board of St. Joseph county to employ a physician for the poor ;

No. 113. An act to change the time of holding courts in Adams county ;

No. 159. An act to divorce Nancy Casto from Jonathan Casto, her husband ;

No. 94. An act to change the mode of appointing examiners of common school teachers in Orange county ;

No. 101. An act to change the names of Edward C. Hawkins and Edward Musseth.

No. 96. An act for the relief of John Drummond ;

No. 75. An act to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford ;

No. 80. An act to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller.

Also, the following message was received from the Senate by Mr. Gorman, their Secretary :

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives.

No. 29. An act to restrict the operations of an act, entitled, "An act relative to the appointment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845;

With one amendment.

No. 13. An act relative to the probate courts of Jackson and Greene counties;

With two amendments.

In which amendments of the Senate to said bills of the House, the concurrence of the House is respectfully requested.

On motion by Mr. Baker,

The House concurred in the amendment of the Senate to bill of the House, No. 29, in the above message mentioned.

On motion by Mr. Mooney,

The House concurred in the amendment of the Senate to (bill of the House,) No. 13, in the above message mentioned.

The following message was also received from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 79. An act to locate a State road in Dearborn and Ripley counties;

No. 71. An act to amend an act, entitled, "An act abolishing the office of county auditor in certain counties therein named," approved January 15, 1844;

No. 65. An act for the relief of Thomas Murphy;

No. 76. An act in relation to the duties of county treasurers in the counties of Laporte, Porter, Lake and Miami;

No. 39. An act to authorize a settlement between the State and Allen McLean, of Morgan county;

No. 78. An act to repeal an act relative to a certain State road in Wayne county;

Bills No. 71, 76, 78, and 79, in the above message mentioned,

Were each severally read a first time, and ordered to a second reading on to-morrow.



Bill, No. 65,

Was read a first and second times, the rules being suspended therefor, and referred to the committee on canals and internal improvements.

Bill No. 39,

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

The following message was also received from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendment :

No. 98. An act to vacate part of the addition to the town of Plymouth, in Marshall county ;

No. 32. An act to legalize the election of Russell Mitchell, a justice of the peace in Pleasant Run Township, Lawrence county ;

Also, with amendment,

No. 22. An act to change the time of holding probate courts in Dubois county ;

With one amendment.

In which amendment of the Senate to bill of the House, No. 22, the concurrence of the House is requested.

No. 41. An act for the relief of Joseph Carpenter.

On motion by Mr. Lemmonds,

The House concurred in the amendment of the Senate to bill (of the House,) No. 22, in the above message mentioned.

The following message was also received from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof, and the concurrence of the House therein is respectfully requested.

No. 21. An act to establish a State road in the counties of Putnam and Clay ;

No. 45. An act authorizing judges of probate courts to take acknowledgements of deeds and other instruments, and for other purposes ;

No. 79. An act to amend an act, entitled, " An act to incorporate the Buffalo and Mississippi Railroad Company," approved February 6, 1835 ;

No. 88. An act to extend the time of the February term of the Franklin circuit court;

Also, the Senate have passed the following joint resolutions thereof:

No. 7. A joint resolution in relation to the improvement of the river Ohio;

No. 8. A joint resolution in relation to the election of the superintendent of the New Albany and Vincennes road;

In which the concurrence of the House of Representatives is respectfully requested.

Bills and joint resolutions No. 7, 21, 45, 79, and 88,

Were each severally read a first time, and ordered to a second reading on to-morrow.

Joint resolution, No. 8,

Was read a first and second times, the rules being suspended, and was referred to a select committee of Messrs. ———

The Speaker laid before the House the following communication from his Excellency, the Governor.

HON. JOHN S. SIMONSON,

*Speaker of the House of Representatives:*

SIR:—In reply to a resolution of the House, requesting me to communicate to that body the “report of the engineers appointed by me to ascertain and fix the location of the Wabash and Erie canal from Terre Haute to Evansville, and also a statement of the cost of survey and location made by said engineers;” I have to say, that the report and location have not yet been communicated to me, or completed, so far as I am advised, and that having transmitted before the passage of said resolution, the original papers exhibiting the cost of said survey and location to the Senate, in pursuance of a resolution of that body, I am unable to comply with that part of the resolution of the House.

As soon as the report and location are communicated to me, they shall be transmitted to the House as requested.

Very respectfully,

JAS. WHITCOMB.

Mr. Taber moved to take from the table,

No. 82. A bill in relation to the Wabash and Erie canal;

Which was adopted;

And said bill referred to the committee on canals and internal improvements.

Mr. Moore, on leave granted, made the following report:

MR. SPEAKER :

The select committee, to whom was referred bill, No. 204, to define the county boundaries of Clark and Washington, have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage ;

Which was concurred in ; and said bill read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Ellis, on leave granted, made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill, 196 of the House, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and respectfully recommend its passage :

No. 196. A bill to extend the provisions of an act therein named to Madison county ;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. McCormack offered the following resolution :

*Resolved*, That the House of Representatives will, the Senate concurring therein, adjourn *sine die* on Wednesday the 7th day of January next ; which,

On motion,

Was laid on the table.

On motion by Mr. Jones,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the law now in force, that in taking a change of venue from one justice of the peace to another, payment of costs shall not be demanded until the final issue of said cause, and that the case shall abide said final issue, with leave to report by bill or otherwise.

Mr. Thompson moved that Mr. Burns be added to the standing committee on the State prison ;

Which motion prevailed ;

The Speaker laid before the House a report of the trustees of the Lunatic Asylum ;

Which was laid upon the table, and five hundred copies ordered to be printed for the use of the House.

Mr. Baker gave notice that on to-morrow he would move to amend the rules of the House by adding thereto, a standing committee on divorces.

## BILLS INTRODUCED.

By Mr. Fuller,  
No. 226. A bill for the relief of Nathaniel Cool, of Warrick county;

By Mr. Cookerly,  
No. 227. A bill to authorize clerks of the circuit courts to administer oaths to certain persons therein named;

By Mr. Carnan,  
No. 228. A bill to reduce the clerk's fees in the probate court;

By Mr. Clymer,  
No. 229. A bill to divide the State of Indiana into Senatorial and Representative districts, and to provide for the election of members of the General Assembly;

By Mr. Vandever,  
No. 230. A bill to amend certain sections of Revised Statutes of 1843, relative to publication of notices;

By Mr. Taber,  
No. 231. A bill for the relief of Benjamin Powell, and the heirs of Harrison Barnett, deceased;

By Mr. Webber,  
No. 232. A bill to amend an act fixing the time of holding courts in the fifth judicial circuit, approved January 13, 1845;

By Mr. Vandever,  
No. 233. A bill repealing a certain act therein named;  
Were each severally read a first time, and ordered to a second reading;

By Mr. Parker,  
No. 234. A bill to amend an act entitled "An act to incorporate the city of Fort Wayne," and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Tedford from the committee on enrolled bills, made the following report:

## MR. SPEAKER:

The committee on enrolled bills have compared the following with the engrossed, and find them correctly enrolled:

No. 40. A bill for the relief of certain purchasers of school land, (in Vanderburgh county) therein named;

No. 113. An act to change the time of holding courts in Adams county;

No. 17. An act for the relief of the heirs of William Pennick deceased, of Orange county;

No. 80. A bill to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller;

No. 159. An act to divorce Nancy Casto from Jonathan Casto, her husband;

No. 74. A bill to alter the width of a State road from Connersville to St. Omar;

No. 101. An act to change the names of Edward C. Hawkins, and Edward Mussette;

No. 51. A bill to change the time of holding the probate courts in the counties of Perry and Harrison;

No. 96. A bill for the relief of John Drummond;

No. 94. A bill to change the mode of appointing examiners of common school teachers, in Orange county;

No. 97. An act to locate a State road in Tippecanoe county;

No. 100. A bill to amend an act entitled "An act to change the time of holding probate courts of Martin county, approved January 13, 1845;"

No. 75. A bill to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford, of Vigo county, Indiana;

No. 160. An act authorizing the county board of St. Joseph county, to employ a physician for the poor.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate, for the signature of their President.

On motion,

The House adjourned until to-morrow morning, at 9 o'clock.

## TUESDAY MORNING, DECEMBER 23, 1845.

House met pursuant to adjournment.

On motion by Mr. Davis,

The Journal of Monday, December 22, was not read.

Mr. Cookerly moved a call of the House;

Which was seconded, and the absentees sent for;

And after some time had elapsed therein, the further call was suspended.

### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Wise,

A petition praying for the passage of a law to incorporate the town of Chambersburg, in Jefferson county;



Which was referred to a select committee of Messrs. Wise, Jones and Henton.

By Mr. Herron,

A remonstrance against forming a new county out of the surplus of Putnam and Montgomery counties ;

Which was referred to a select committee to whom a former remonstrance on the same subject was referred.

By Mr. Ford,

A petition asking a charter for a railroad commencing at Cambridge city and terminating at Fort Wayne ;

Which was referred to a select committee to whom a former petition on the same subject was referred.

By Mr. Hill,

A petition praying the repeal of a certain law in relation to the jurisdiction of justices of the peace ;

Which was referred to the judiciary committee.

By Mr. Parker,

A petition asking a change in the mode of working roads ;

By Mr. Morrow,

A remonstrance against the passage of a law declaring a certain road therein named a State road ;

Which was referred to a select committee to whom a former petition on the same subject was referred.

By Mr. Ford,

A petition asking for a charter for a railroad ;

Which was referred to the select committee to whom a former petition on the same subject was referred.

By Mr. Wilson of Marion,

A petition from sundry citizens of Hendricks county, asking the passage of a law authorizing a change in the line dividing Marion and Hendricks counties ;

Which was referred to a select committee of Messrs. Wilson of Marion, Harvey, Kimberlin, Hazelrigg and Riley.

By Mr. Powers,

A petition from sundry citizens of the county of Steuben, in regard to the location of a certain road therein named ;

Which was referred to the committee on roads.

By Mr. Webber,

A petition from Joseph Irwin, asking an appropriation for work done on State House ;

Which was referred to the committee on claims.

By Mr. Parker,

A petition praying the passage of a law for the relief of John Howenstein ;

Which was read and referred to a select committee of Messrs. Parker, Mickle and Turner.

Mr. Speaker laid before the House a communication from the Auditor of State containing the answers of the county treasurers of

Allen, Blackford, Clark, Floyd, Harrison, Miami, Montgomery, Noble, Orange, Richardville, Scott, Sullivan, Switzerland and Vanderburgh counties, to a circular addressed to them in compliance with a resolution of the House adopted on the 3d instant; which,

On motion,

Was laid upon the table.

Mr. McDonald made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill of the House relative to costs of transcripts, have had the same under consideration and directed me to report it back and recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

No. 161. A bill relative to costs of transcripts;

Which was indefinitely postponed.

Mr. Sleeth made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the petition of sundry citizens of the county of Shelby, to prolong the time of holding probate courts in said county, have considered the same and directed me to report the accompanying bill and recommend its passage:

No. 235. An act extending the time of holding probate courts in Shelby county;

Which was read a first time, and ordered to a second reading.

Mr. Hall of Gibson made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill of this House entitled "No. 133. A bill to amend an act entitled 'an act in relation to the proceedings in the probate court,'" approved January 13th, 1845, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

No. 133. An act to amend an act entitled "An act in relation to the proceedings in the probate courts," approved Jannary 13, 1845;

Which was read a second time and ordered to be engrossed.

Mr. Hall of Gibson made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred a bill of this House entitled "No. 152. A bill to amend section 101 of the Revised Statutes of 1843," have had the same under consideration and have instructed me to report the same back to the House and recommend its passage.

No. 152. An act to amend section 101 of the Revised Statutes of 1843;

Which was read a second time and ordered to be engrossed.

Mr. Tedford, from the committee on enrolled bills, made the following report:

MR. SPEAKER :

The committee on enrolled bills have compared the following with the engrossed bills and find them correctly enrolled :

No. 98. An act to vacate part of the addition to the town of Plymouth, in Marshall county;

No. 41. An act for the relief of Joseph Carpenter ;

No. 132. An act to legalize the election of Russell Mitchell, a justice of the peace in Pleasant Run township, in Lawrence county, and for other purposes.

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

The following message was received from his Excellency, the Governor, by J. B. Powers, his private Secretary :

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House of Representatives, that on yesterday he approved and signed

No. 2. An act to legalize the acts of James Batman, a justice of the peace, for Bono township, Lawrence county ;

No. 38. A bill to dissolve the matrimonial ties existing between Patsey Hubbard, and Malachi Hubbard, her husband, and to authorize the entering a nolle prosequi on a certain indictment against the said Patsey ;

No. 34. A bill to vacate the town of New Charlestown, in the county of Jay, Indiana ;

No. 60. An act to repeal an act therein named ;

No. 39. A bill to dissolve the bonds of matrimony between James Hays of Perry county, and Catharine Hays ;

No. 117. A bill to authorize the treasurer of Pike county to perform the duties of school commissioner ;

No. 5. A bill declaratory of the meaning of the 29th section of the 1st article of the 45th chapter of the Revised Statutes of 1843 ;

No. 26. An act regulating the jurisdiction of justices of the peace in the counties of Lake and Porter ;

No. 16. An act to legalize the official acts of John Nixon, school commissioner of Washington county ;

No. 24. An act to authorize the refunding of taxes in certain cases ;

No. 53. An act to prescribe the mode of selecting grand and petit jurors in the county of Hendricks ;

No. 23. An act in relation to the Bank Tax Fund ;

No. 9. An act changing the time of holding the probate courts in the county of Allen, and for other purposes therein named ;

All of which originated in the House of Representatives.

Mr. Hall of Gibson, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a bill of this House, entitled, No. 141, "A bill to allow owners of partnership fences to remove the same, have had the same under consideration, and have directed me to report it back to the House, and recommend that it be indefinitely postponed.

Upon the concurrence of which,

Messrs. McCormack and Leyman demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Brumfield, Burns, Cameron, Carnan, Conduit, Hall of Gibson, Hinchman, McDonald, Osborn of Laporte, and Stewart—11.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Bowman, Carr, Carter, Chambers, Clements, Clymer, Coffin, Cookerly, Coon, Cornelius, Cox, Davis, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Fuller, Harvey, Henry, Henton, Herron, Hill, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Leyman, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McRae, Meeker, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Stanfield, Stapp, Taber, Tedford, Thompson, Tomlinson, Turner, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—79.

So said bill was not indefinitely postponed.

Mr. Moore offered the following amendment :

“The fences shall not be moved if there is a crop growing or not gathered ;”

Which was adopted.

Mr. Wiley offered the following as an amendment to the amendment :

“Strike out six months and insert nine;” pending this,

Mr. Moore moved that the bill and amendments be referred to a select committee of five ; and

The Speaker appointed Messrs. Leyman, Moore, Nelson, Wiley, and Hinchman.

Which was adopted.

Mr. Porter made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred bill of the House, No. 130, relative to transferring the management of the surplus revenue from the county treasurers to the school commissioners, have had that subject under consideration, and have directed me to report said bill back to the House, and recommend its indefinite postponement :

No. 130. A bill to amend the 7th article of the 13th chapter of the Revised Statutes of 1843 ;

Which was indefinitely postponed.

Mr. Porter made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred the petition of Alfred Davis school commissioner, of Daviess county, and others, have had that subject under consideration, and have directed me to report said petition back to the House, and recommend its reference to a select committee.

Which said report was concurred in ; and

Said petition referred to a select committee of Messrs. Clements, Carnan, and Vandever.

Mr. Porter made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred bill of the House, No. 216, entitled, “A bill to enable creditors to collect their debts,” have had that bill under consideration, and a majority of them



have directed me to report it back to the House without amendment and recommend its passage :

No. 216. A bill to enable creditors to collect their debts ;

Which bill was lost on the question of its engrossment.

Mr. Porter made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of the House, directing them to enquire into the expediency of amending the 309th section of the 40th chapter of the Revised Statutes of 1843, have had that subject under consideration, and have directed me to report the following bill, amendatory of said section, and recommend its passage :

No. 236. A bill to amend the 10th article of 40th chapter of Revised Statutes ;

Which was read a first time, and ordered to a second reading.

Mr. Porter made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a resolution of the House, directing them to enquire into the expediency of repealing or amending the 65th section of the 54th chapter of the Revised Statutes of 1843, have had that subject under consideration, and have directed me to report the following bill, amending said section :

No. 237. A bill to amend the 65th section of the 54th chapter of the Revised Statutes of 1843 ;

Which was read a first time, and ordered to a second reading.

Mr. Osborn of Laporte, made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred bill of the House No. 154, have considered the same, and instructed me to report the same back to the House and recommend its passage, and ask to be discharged from the further consideration thereof :

No. 154. A bill to amend section 1, and repeal section 9, chapter 30, of the Revised Statutes of 1843, relative to wills, made by married women.

Mr. Porter moved to amend the bill by striking out the first section, except the enacting clause ;

Pending which,

On motion by Mr. Thompson,

The bill was laid on the table.

Mr. Osborn of Laporte, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 136, have considered the same, and instructed me to report it back, and recommend its passage, and ask to be discharged from the further consideration thereof:

No. 136. A bill to amend section 326, chapter 40, Revised Statutes of 1843;

Which was read a second time, and ordered to be engrossed.

Mr. Osborn of Laporte, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 168, have considered the same, and instructed me to report the same back without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof:

No. 168. A bill to punish embezzlement in the same manner that grand larceny is now punishable by law;

Which was read a second time, and ordered to be engrossed.

Mr. Osborn of Laporte, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution of this House, instructing said committee to enquire into the expediency of repealing the 340th and succeeding sections of the 4th chapter of the Revised Statutes of 1843, have considered the same, and instructed me to report the following bill, entitled "A bill regulating the mode of enforcing the collections of certain costs in the several courts of this State," and recommend its passage, and said committee ask to be discharged from the further consideration thereof:

No. 238. A bill regulating the mode of enforcing the collection of certain costs in the several courts of this State;

Which was read a first time, and ordered to a second reading.

Mr. Stewart made the following report:

**MR. SPEAKER :**

The committee on claims to whom was referred the petition of Thomas Wright, with the accompanying papers, have investigated the matter, and have instructed me to report in favor of allowing the claim, (\$138 58,) and ask that the committee of ways and means be instructed to place it in the specific appropriation bill.

Which was concurred in.

Mr. Vandever made the following report :

**MR. SPEAKER :**

The committee on roads to whom was referred the petition of sundry citizens of Decatur county, praying for the passage of a law on that subject, have directed me to report the following bill and recommend its passage :

No. 239. A bill to authorize the board of commissioners in Dearborn county, to cause swinging gates across public roads in said county ;

Which was read a first time, and ordered to a second reading.

Mr. Vandever made the following report :

**MR. SPEAKER :**

The committee on roads to whom was referred bill No. 158 of the House, have had the same under consideration, and have instructed me to report the same back to the House, without amendment, and recommend its passage :

No. 158. A bill to establish a certain State road therein named, in Fountain county ;

Which was read a second time, and ordered to be engrossed.

Mr. Dowling made the following report :

**MR. SPEAKER :**

The committee on canals and internal improvements, to whom was referred bill of the Senate, No. 39, " A bill to authorize a settlement between the State and Allen McLean, of Morgan county," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage :

Senate bill, No. 39, A bill to authorize a settlement between the State, and Allen McLean, of Morgan county ;

Which was read a second and third times, the rules being suspended, and passed.

Mr. Nelson made the following report :

MR. SPEAKER :

The standing committee on agriculture, to whom was referred the petition of sundry citizens of Dearborn county, praying the Legislature to impose a tax on dogs, have had that subject under consideration, and a majority have directed me to report that it is inexpedient at this time to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Nelson made the following report:

MR. SPEAKER :

The committee on agriculture, to whom was referred a petition on the subject of improving the breed of horses, have had that subject under consideration, and have directed me to report it inexpedient to legislate on, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Nelson made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred the petition of sundry citizens of Carroll county, praying an act compelling owners of land to set their fences ten feet inside of the section line, have had that subject under consideration, and have directed me to report it inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Tedford, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Carroll county, praying for the erection of a road bridge across the Wabash and Erie canal, have had the same under consideration, and instructed me to report the following bill, and recommend its passage as an act of justice to the citizens of Carroll and White counties:

No. 240. An act providing for the erection of a road bridge on the Wabash and Erie canal ;

Which was read a first and second times, the rules being suspended, and referred to the committee on canals.

Mr. Taber made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Cass county, on the subject of a school-house, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage :

No. 241. A bill for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range No. 3 east, in Adams township, Cass county ;

Which was read a first time, and ordered to a second reading.

Mr. Baker offered the following resolution :

*Resolved*, That the standing committee on the judiciary be instructed to enquire into the expediency of so amending the law relative to pleadings in actions of covenant, as to allow any defendant or defendants in any action of covenant, to file a general plea in denial of the plaintiffs' declaration—such plea to have the same force and effect that now attaches to the general issue in actions of assumpsit ;

Which was adopted.

On motion by Mr. Taber,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of procuring for each county in this State, at the expense of the county, a uniform set of weights and measures, as established by the United States, with leave to report by bill or otherwise.

#### BILLS INTRODUCED.

By Mr. Edwards,

No. 242. An act to amend an act approved January 28, 1842 ;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Edwards, Shanks, and Jones.

By Mr. Coffin,

No. 243. A bill in relation to the probate courts of Henry county ;

Was read a first time, and ordered to a second reading.

By Mr. Stapp,

No. 244. A bill to authorize Willis Hodges to substitute his note and mortgage to the State for that of Otis and William Page ;

Was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

On motion by Mr. Secrest, bill

No. 139. A bill to amend the 1st article of the 53d chapter of the



Revised Laws of 1843, and for other purposes, was taken from the table, and referred to the judiciary committee.

Mr. Stapp moved to take from the table, bill

No. 57. A bill to encourage manufactures ;

Pending which,

The House adjourned until two o'clock, P. M.

2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY.

#### SENATE BILLS.

No. 12. An act to remove the disability of Francis Lafontaine, Catharine Richardville, La Blond Richardville, and Susan Richardville, to sell and convey real estate, and to legalize any sales that may have been made by them, or either, or any of them, previous to the passage of this act ;

Which was amended by Mr. Taber, as follows :

"All the privileges and provisions of this act are hereby extended to the widow and children of Francis Godfrey, late of Miami county, deceased ;"

Which was adopted ; and

Said bill, with the amendment,

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 15. An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of the State of Indiana ;

No. 16. A bill authorizing the Church of God Meeting on Walnut street, in the town of Jeffersonville, to elect trustees, and sell their property for the payment of their debts ;

No. 38. A bill to incorporate the Lutheran Church, in Franklin county ;

No. 50. An act to vacate certain streets in Cambridge city ;

No. 55. A bill to compensate supervisors in the county of Morgan ;

No. 56. An act providing for the improvement of roads in the several counties therein named ;

No. 39. A bill to authorize a settlement between the State and Allen McLane of Morgan county ;

No. 58. An act to amend an act entitled "An act to incorporate

the young men's literary association of Richmond, Wayne county, Indiana," approved February 15th, 1839;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 148. An act for the relief of the widow and children of Jesse Clinger, deceased;

No. 171. An act to dissolve the bonds of matrimony between Adam Shambaugh and Elizabeth Shambaugh;

No. 173. An act declaring a certain road therein named a State road;

No. 174. An act to survey and locate a State road from Robinson's ferry on White river, in Daviess county, to Harrisonville, in Martin county;

No. 175. An act to dissolve the bonds of matrimony between Frederick Hartzell and Rosanna Hartzell;

No. 177. An act for the relief of James Rutherford;

No. 178. An act for the relief of the borrowers of the surplus revenue and other funds, and for the better securing the payment thereof;

No. 181. An act to remunerate justices of the peace of the county of Warrick for their services on the county board;

No. 186. An act to reduce the fees of the recorder of Johnson county;

No. 187. A bill in relation to the fees of the recorder and auditor in the counties of Jackson, Adams and Jay;

No. 188. An act to secure a more economical management of the common school fund;

No. 189. An act to provide for the more effectual punishment of certain offences in the county of Allen;

No. 190. An act to regulate the time of holding circuit courts in the county of Tippecanoe;

No. 191. An act authorizing the president and trustees of Lafayette to purchase and hold real estate, and for other purposes;

No. 192. An act in relation to supervisors of roads in the counties of Kosciusko and Whitley;

No. 193. An act authorizing Rhoda Butler to mortgage certain real estate;

No. 194. An act to extend the terms of the board doing county business in the county of Tippecanoe;

No. 195. An act to change the time of holding probate courts in the county of Pike;

No. 196. An act to extend the provisions of an act therein named, in Madison county;

No. 197. An act for the relief of the heirs of Michael Ross, deceased;

No. 201. An act prescribing the mode of selecting petit jurors in Sullivan county ;

No. 206. An act changing the time of holding probate courts in Cass county ;

No. 208. An act to repeal in part an act entitled " An act to provide for summoning grand and petit jurors in Decatur and Warren counties," approved January 15th, 1845 ;

No. 209. An act to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways, to the county of Posey ;

No. 214. An act to change the mode of working roads in Rush county ;

No. 215. An act to dissolve the bonds of matrimony between Benjamin Rosecrantz and Sarah Ann Rosecrantz, citizens of Perry county ;

No. 217. An act for the relief of Barbara Ann May ;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 105. An act to repeal the 9th section of chapter 35, of the Revised Statutes of 1843 ;

Which was,

On motion,

Laid upon the table.

No. 199. A bill to repeal a certain section of the Revised Statutes of 1843 ;

Which was about to be indefinitely postponed ; when

Messrs. Edwards and Webber demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Cameron, Coffin, Cornelius, Cox, Dole, Edwards, Hall of Gibson, Harvey, Henry, Henton, Hill, Hinchman, Huff, Julian, Kerr, Lanius, Legg, Pennington, Porter, Rousseau, Ruby, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise  
—29.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Brumfield, Burns, Carr, Carnan, Chambers, Clements, Clymer, Conduit, Cookerly, Coon, Davis, Dowling, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Warren, Herron, Jackson, Jones, Kimberlin, Leyman, Lewis, Logan, Lowe, McCormack, McDonald, McRea, Meeker, Monroe, Mooney, Moore, Morrow, Nelson, Osborn of Laporte, Osborn of Sullivan, Parker, Powers, Riley, Rippey, Robinson, Secrest, Shanks, Slater, Sleeth, Smith, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—61.

So said bill was not indefinitely postponed.

Mr. Riley moved to refer the bill to the committee on education with the following instructions:

"Amend by striking out the repealing clause and amend said section."

Mr. McDonald offered the following amendment to the instructions:

"Amend so that all who may be taxed for the support of the schools shall vote."

Which was adopted.

And said bill, No. 199, with the instructions, was referred to the committee on education.

#### BILLS ON SECOND READING.

#### SENATE BILLS.

No. 79. An act to amend an act entitled "An act to incorporate the Buffalo and Mississippi railroad company," approved February 6, 1835;

Was referred to a select committee of Messrs. McDonald, Osborn of Laporte, and Clymer.

No. 7. A joint resolution in relation to the improvement of the river Ohio;

No. 21. An act to establish a State road in the counties of Putnam and Clay;

Were each read a second time and ordered to a third reading.

No. 45. A bill authorizing judges of probate courts to take acknowledgments of deeds and other instruments, and for other purposes;

Which was amended by Mr. Baker, and said bill ordered to a third reading.

No. 76. An act in relation to the duties of county treasurers in the counties of Laporte, Porter, Lake, and Miami;

Was read and referred to a select committee of Messrs. McDonald, Carter, and Stanfield;

No. 71. An act to amend an act entitled "An act abolishing the office of county auditor in certain counties therein named," approved January 15, 1844;

Was read and referred to a select committee of Messrs. Watt, Meeker, and Kimberlin.

No. 78. An act to repeal an act relative to a certain State road in Wayne county;

Which was read and ordered to a third reading on to-morrow.

No. 88. An act to extend the time of the February term of the Franklin circuit court;

Was read a second time, and ordered to a third reading on to-morrow.

No. 79. An act to locate a State road in Dearborn and Ripley counties;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### BILLS OF THE HOUSE.

No. 218. A bill to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county;

No. 220. A joint resolution on the subject of the reservoir in Mercer county, Ohio;

No. 221. An act prescribing the mode of advertising sales of lands mortgaged to the Sinking fund;

No. 222. An act providing for the election of an additional justice of the peace in Union township, Montgomery county;

No. 223. An act declaring a mistake in the Revised Statutes of 1843, in relation to the boundaries of Kosciusko and Fulton counties, and for other purposes;

No. 227. An act to authorize clerks of the circuit court to administer oaths to certain persons therein named;

No. 226. A bill for the relief of Nathaniel Coal of Warrick county;

Were each severally read a second time, and ordered to be engrossed for a third reading;

No. 224. A bill to repeal a part of an act therein named;

Was read and referred to the committee on canals and internal improvements.

No. 225. An act to incorporate the "Hoosier Band" of Greenfield;

Was read and referred to the committee on corporations.

No. 228. A bill to reduce the clerks' fees in the probate court;

Was read and referred to the judiciary committee;

No. 229. An act to divide the State of Indiana, into Senatorial and Representative districts, and to provide for the election of members of the General Assembly.

Mr. Pennington moved that the bill be recommitted to the committee of the whole House, and made the special order of the day for Thursday next, at 2 o'clock, P. M.;

Which was not adopted.

Mr. Seawright moved that the bill be laid upon the table, and one hundred copies ordered to be printed.

Mr. Osborn of Laporte,

Called a division of the question,

And the motion to lay on the table prevailed.

Pending further proceedings,

The House adjourned until to-morrow morning, at 9 o'clock.



## WEDNESDAY MORNING, DECEMBER 24, 1845.

The House met pursuant to adjournment.

## ORDERS OF THE DAY.

Mr. Lowe moved to take from the table bill

No. 229. An act to divide the State of Indiana into Senatorial and Representative districts;

Which was adopted.

Mr. Edwards then moved that the bill be recommitted to the select committee on that subject;

Which motion prevailed.

## BILLS ON SECOND READING.

No. 230. A bill to amend certain sections of the Revised Statutes of 1843, relative to publication of notices;

Was read and referred to the judiciary committee.

Mr. Davis moved to take from the table bill

No. 105. An act to repeal the 9th section, of chapter 35, of the Revised Statutes of 1843;

Which was adopted.

Mr. McDonald moved that the bill be again laid upon the table;

Which motion prevailed.

No. 330. An act for the relief of Benjamin Powell, and the heirs of Harrison Barnett, deceased;

Was read a second time, and referred to a select committee of Messrs. Taber, Secrest, and McDonald.

No. 232. An act to amend an act fixing the time of holding courts in the fifth judicial circuit, approved January 13, 1845;

Was read a second time, and ordered to be engrossed for a third reading.

No. 233. A bill repealing a certain act therein mentioned;

Was read and referred to the committee, who have the same matter under consideration.

The House then proceeded to take up the messages from the Senate.

A message from the Senate by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 66. An act to extend further time to borrowers of the sinking fund;

No. 92. An act legalizing the acts of the auditor and school commissioner of Lagrange county;

No. 94. An act to amend an act entitled "An act incorporating the Dearborn county Cotton Manufacturing Company," and for other purposes, approved February 11, 1843:

No. 62. An act to amend the laws now in force in this State, regulating the duties of executors, administrators, and guardians, in which the concurrence of the House is requested.

Nos. 66, 92, and 94, in said message mentioned, were each read a first time, and ordered to a second reading;

No. 62. Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 95. An act for the relief of Martha Ann McCune of Floyd county;

No. 43. An act in relation to taking up estrays;

No. 84. An act to authorize the names of insolvent persons to be stricken from the tax duplicates;

No. 49. An act to authorize the re-appraisment of school lands in certain cases;

No. 80. An act for the relief of Joseph and Maria Rudman, of Franklin county;

No. 28. An act to incorporate the Rising Sun Manufacturing Company;

No. 68. An act to amend the revenue laws;

No. 91. An act abolishing the highway tax in Morgan county;

No. 90. An act for the relief of Victor A. Pepin, of Floyd county.

In which the concurrence of the House of Representatives is respectfully requested.

Nos. 95, 43, 84, 49, 80, 28, 91, and 90, in said message mentioned, Were each read a first time, and ordered to a second reading.

No. 68, in said message mentioned,

Was read a first and second times the rules being suspended, and referred to the committee on ways and means.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, without amendments :

No. 107. A bill to change the mode of districting hands to perform labor on public roads in Orange county ;

No. 108. A bill to incorporate a military company called the "Terre Haute Greys ;"

No. 147. An act in relation to the sale of saline lands in Orange county.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof :

No. 100. An act to vacate a part of the town of Waterloo, in Fayette county ;

No. 108. An act to amend an act, entitled, "An act to locate a State road in the county of Marshall," approved January 13, 1845 ;

No. 101. An act for the relief of the heirs of James McLeery, of the county of Franklin.

Nos. 100, 101, 108, in said message mentioned,

Were each read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have concurred in the engrossed amendment of the House of Representatives to bill of the Senate, No. 11, entitled, "An act for the relief of Francis Lafontaine."

Mr. Taber moved to take from the table, bill

No. 55. A bill relative to the issuing of executions ;

Which was adopted.

Mr. Clements moved to amend as follows :

"Strike out the sixth section ;"

And on the question of its adoption,

Messrs. Clements and Moore demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Carnan, Chambers, Clements, Coffin, Conduit, Cookerly,

Coon, Dole, Dowling, Endecott, Ford, Fuller, Hall of Gibson, Harvey, Hazelrigg, Henry, Henton, Huff, Julian, Kimberlin, Leyman, McCormack, Monroe, Mooney, Moore, Nelson, Nofsinger, Riley, Rousseau, Seawright, Secrest, Stapp, Tedford, Tomlinson, Turner, Vandever, Webber, Wiley, Wilson of Marion, Wilson of Sullivan, and Wise—41.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Cameron, Carr, Carter, Clymer, Cox, Cruikshank, Davis, Edwards, Ellis, Hall of Warren, Herron, Hill, Hinchman, Jackson, Jones, Kerr, Lanius, Legg, Lemmonds, Lewis, McDonald, McRae, Meeker, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Rippey, Robinson, Ruby, Shanks, Smith, Stanfield, Stewart, Taber, Thompson, Watt, Wilson of Noble, and Mr. Speaker—47.

So said motion did not prevail.

The question then being,

“Shall the report of the judiciary committee, heretofore made, be concurred in?”

Mr. Osborn of Laporte, offered the following amendment :

Insert “or in which judgment was rendered,” immediately after “in which the defendant resides,” in the first section.

Mr. Baker moved that the bill with the amendments, be recommended to the judiciary committee ;

Which was adopted.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Fuller,

A petition from sundry citizens of Warrick county ;

Which was laid upon the table.

By Mr. Webber,

A remonstrance against the passage of a law authorizing N. McCarty to build a mill dam across White river ;

Which was referred to the select committee to whom the petition on the same subject was referred.

By Mr. Smith,

A petition praying the repeal of the existing appraisement laws ;

Which was referred to the judiciary committee.

By Mr. Burns,

A petition from sundry citizens of Switzerland county, praying an alteration of the law in regard to justices of the peace ;

Which was referred to the judiciary committee.

By Mr. Smith,

A petition from sundry citizens of Fulton, Marshall, Stark and Pulaski counties, asking protection against non-residents, &c. ;

Which was referred to a select committee of Messrs. McDonald, Clymer, and Smith.

By Mr. Webber,

A petition from John Burton, asking a divorce from Lucinda Greene ;

Which was referred to a select committee of Messrs. Webber, Kimberlin, and Parker.

By Mr. Stanfield,

A petition from sundry citizens of St. Joseph county, praying the repeal of an act concerning free negroes, &c. ;

Which was referred to the judiciary committee.

By Mr. Kimberlin,

A petition praying the passage of a law to incorporate a company for the extension of the Madison and Indianapolis railroad ;

Which was referred to the committee on roads.

By Mr. Cornelius,

A petition praying the repeal of a law passed during the session of 1843—4, to divide Dearborn county ;

Which was referred to a select committee of Messrs. Cornelius, Slater, Lanius, Pennington, and Blackwell.

Mr. Cruikshank made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred the certificates of the members of this House, have directed me to report that they have examined the same, and find them in accordance with the law in such case made and provided, and ask to be discharged from further consideration of the matter.

Which report was concurred in.

Mr. McDonald made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a bill to amend the 40th chapter of the Revised Acts of 1843 relating to the service of process, have had the same under consideration and directed me to report the same back with an amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

No. 210. A bill to amend the 40th chapter of the Revised Acts of 1843, relative to the serving of process ;

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Hall of Gibson made the following report :



MR. SPEAKER :

The judiciary committee, to whom was referred a communication from the Auditor of State in relation to tax titles, have had the subject under consideration, examined the bill and form of a deed drawn up by the Auditor, and have come to the conclusion to report the same to the House and recommend its passage.

No. 245. A bill relative to tax titles ;  
Which was read a first time and ordered to a second reading.  
Mr. Porter made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred bill of the House "No. 198. To amend the act regulating the duties of justices of the peace, and to repeal the 334th section of the 47th chapter of the Revised Statutes of 1843," have had that subject under consideration, and have directed me to report said bill back to the House and recommend its indefinite postponement.

Which report was concurred in.  
Mr. Hall of Gibson made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of this House directing them to enquire into the expediency of so amending the sixth section of the first article of chapter 39, of the Revised Statutes of 1843, as to give to probate courts concurrent jurisdiction with circuit courts in proceedings in foreign and domestic attachment in all cases where executors, administrators or guardians are parties, have had that subject under consideration, and being of opinion that the probate courts have already jurisdiction in such cases, think further legislation on that subject uncalled for, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.  
Mr. Sleeth made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 180, entitled "A bill for the benefit of the widow and heirs of John Sering, late of Jefferson county, Indiana, deceased," have considered the same and directed me to report it back to the House without amendment, and respectfully recommend its passage, and ask to be discharged from the further consideration of the subject.

No. 180. A bill for the benefit of the widow and heirs of John Sering, late of Jefferson county, Indiana, deceased ;

Which was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Sleeth made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 203, entitled "A bill to repeal the 169th section of chapter 35, of the Revised Statutes of 1843, relating to apprentices," have had that matter under consideration, and have instructed me to report the same back to the House and recommend its indefinite postponement, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Dowling moved to adjourn until Monday morning, 9 o'clock.

Messrs. Hall of Gibson, and Seawright demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Clements, Dole, Dowling, Fuller, Hill, Lowe, Osborne of Laporte, Stewart, Vandever, and Mr. Speaker—12.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Brumfield, Burns, Cameron, Carr, Carnan, Chambers, Clymer, Coffin, Conduit, Cookerly, Coon, Cornelius, Cox, Cruikshank, Davis, Edwards, Ellis, Endecott, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Henry, Henton, Herron, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, McCormack, McDonald, McRea, Meeker, Monroe, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Seawright, Se-crest, Shanks, Slater, Sleeth, Smith, Snook, Stanfield, Stapp, Taber, Tedford, Thompson, Tomlinson, Turner, Watt, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Wise—81.

So the House did not adjourn.

Mr. Seawright offered the following resolution :

*Resolved*, That when this House adjourn this evening, it will adjourn to Friday morning, 9 o'clock.

On this, Messrs. Moore and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Bowman, Cameron, Carr, Carnan, Chambers, Clements, Coffin, Cookerly, Coon, Cruikshanks, Davis, Dole, Edwards, Ellis, Fuller, Hall of Gibson, Hall of Warren, Henton, Hill, Lemmonds, Lowe, Mooney, Osborn of Laporte, Ruby, Seawright, Sleeth, Snook, Stanfield, Stapp, Thompson, and Mr. Speaker—12.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Burns, Clymer, Conduit, Cornelius, Cox, Dowling, Endecott, Ferguson, Ford, Harvey, Herron, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Leyman, Legg, Lewis, Logan, McCormack, McDonald, McRea, Meeker, Monroe, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Secrest, Shanks, Slater, Smith, Stewart, Taber, Tedford, Tomlinson, Turner, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Wise—61.

So said resolution was not adopted.

Mr. Shanks moved to adjourn till 2 o'clock, P. M.

Messrs. Stanfield and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Cameron, Carr, Carnan, Chambers, Coffin, Conduit, Coon, Cornelius, Cox, Ellis, Endecott, Ferguson, Hall of Gibson, Hall of Warren, Harvey, Henry, Henton, Hinchman, Huff, Jones, Julian, Kerr, Legg, Lemmonds, Lewis, McDonald, McRae, Meeker, Monroe, Morrow, Pennington, Powers, Robinson, Secrest, Shanks, Slater, Smith, Stanfield, Stapp, Taber, Thompson, Tomlinson, Wiley, Wilson of Marion, Wilson of Noble, Wise, and Mr. Speaker—51.

*Those who voted in the negative are,*

Messrs. Baker, Brumfield, Clements, Cookerly, Cruikshank, Davis, Dole, Dowling, Edwards, Ford, Fuller, Herron, Hill, Jackson, Kimberlin, Lanius, Leyman, Logan, Lowe, McCormack, Mooney, Moore, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Riley, Rippey, Rousseau, Ruby, Seawright, Sleeth, Stewart, Tedford, Turner, Vandever, Watt, Webb, Webber, and Wilson of Sullivan—43.

So the House adjourned until two o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Hazelrigg, the rules being suspended,  
Presented the petition of Phebe Stephenson, praying for relief;  
Which was referred to the committee on education.

Also, the petition of sundry citizens of Boone county, praying the  
passage of an act for the relief of Jacob Jones;

Which was referred to a select committee of Messrs. Taber, Osborn of Laporte, and others.

Mr. Hazelrigg then asked leave from attendance in the House  
until Monday next, on account of sickness in his family;

Which was granted.

Mr. Taber asked leave to take from the files of the library certain  
papers;

Which leave was granted.

Mr. Secrest, the rules being suspended, introduced bill,

No. 247. An act to vacate a certain alley in the town of Greencastle;

Which was read three several times, the rules being suspended,  
and passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion,

Mr. Ruby was added to the committee on the petition reducing  
the fees of auditor of Union county.

#### ORDERS OF THE DAY.

#### SENATE BILLS.

No. 7. A joint resolution in relation to the improvement of the  
river Ohio;

No. 88. An act to extend the time of the February term of the  
Franklin circuit court;

No. 21. An act to establish a State road in the counties of Putnam and Clay;

No. 78. An act to repeal an act relative to a certain State road  
in Wayne county;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 45. A bill authorizing judges of probate courts to take acknowledgment of deeds and other instruments, and for other purposes;

Was read a third time and lost on its passage.

## BILLS OF THE HOUSE ON THIRD READING.

No. 133. A bill to amend an act entitled "An act in relation to the proceedings in the probate courts," approved January 15th, 1845;

No. 136. An act to amend section 326, chapter 40, Revised Statutes of 1843;

No. 152. An act to amend article 5, chapter 40, of the Revised Statutes of 1843;

No. 158. An act to establish a certain State road therein named, in Fountain county;

No. 168. An act to punish embezzlement in the same manner that grand larceny is now punishable by law;

No. 218. An act to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county;

No. 220. A joint resolution on the subject of the reservoir in Mercer county, Ohio;

No. 221. An act prescribing the mode of advertising sales of lands mortgaged to the sinking fund;

No. 222. An act providing for the election of an additional justice of the peace in Union township, Montgomery county;

No. 223. An act declaring a mistake in the Revised Statutes of 1843, in relation to the boundaries of Kosciusko and Fulton, and for other purposes;

No. 226. An act for the relief of Nathaniel Coal, of Warrick county;

No. 227. An act to authorize clerks of the circuit court to administer oaths to certain persons therein named;

No. 244. An act to authorize William M. Pugh and Willis Hodges to substitute their notes and mortgages to the State for that of Otis and William Page;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

## BILLS ON SECOND READING.

No. 235. An act extending the time of holding probate courts in Shelby county;

No. 236. A bill to amend the 10th article of 40th chapter of the Revised Statutes of 1843;

No. 237. A bill to amend the 65th section of the 54th chapter of the Revised Statutes of 1843;

No. 238. An act regulating the mode of enforcing the collection of certain costs in the several courts of this State;

No. 239. An act to authorize the placing of swinging gates on highways in Dearborn county;

No. 241. An act for the relief of the citizens of district No. 3,



in congressional township No. 28 north, of range 32, in Adams township, Cass county;

No. 243. A bill in relation to the probate courts of Henry county;

Were each severally read a second time and ordered to be engrossed for a third reading.

Mr. Riley made the following report:

MR. SPEAKER:

A majority of the committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of so amending the 101st section of the fifth article of the 38th chapter of the Revised Statutes of 1843, have had the same under consideration and have directed me to report the following bill, and recommend its passage:

Mr. Osborn of Laporte, dissents from the above report.

No. 247. An act to prevent deputy clerks from practising law in the counties in which they reside;

Was read a first time, and ordered to a second reading.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on education to whom was referred a bill of the House No. 199 "A bill to repeal a certain section of the Revised Statutes of 1843," with instructions to amend by striking out the repealing clause, and amend said section so that all voters who may be taxed for the support of schools to vote, have directed me to report the following amendments, and recommend its passage.

Which said amendments were concurred in by the House, and said bill,

No. 199, with the amendments, were ordered to be engrossed for a third reading.

On motion by Mr. Stapp,

The vote taken on bill of the Senate No. 88, to-day on its passage was reconsidered,

And said bill was laid upon the table.

Mr. Mooney from the committee on the affairs of the State prison, made the following report:

MR. SPEAKER:

The committee on the affairs of the State prison, to whom was referred a resolution of the House, requiring them to examine into the conduct of Joseph R. Pratt, superintendent of the prison, his

treatment to the prisoners, &c., have had that matter under consideration, and would respectfully report:

That the attention of the committee was first drawn to the complaints made by the visiter of the State prison to His Excellency the Governor, in his report, which has been laid before the House and referred to said committee, relative to the furnishing the cells with bed clothes, the clothing of the prisoners, their diet, and their general treatment by the superintendent.

The clerk of the prison, Dr. Collum, was examined under oath before the committee, upon these matters, and stated in substance, that when the visiter was at the prison, a portion only of the winter clothing for the prisoners, contracted for at Lexington, had been received, and was in a course of preparation, the weather being remarkably fine for the season: but that the superintendent had generally prepared winter clothing for the prisoners early in the season—that straw and blankets, are furnished in the cells during cold weather, and at that time many of the cells were thus furnished—that there are now in the prison more blankets than needed—that the cells are very warm, and that he has frequently seen men come out of them in the morning exhausted and weakened by their excessive heat. That the food of the prisoners consists of good corn bread and bacon for breakfast, of meat, soup, and vegetables for dinner, and fresh meat for dinner three times a week; and of bread and water for supper, but that the prisoners often cooked provisions of their own for supper which they were allowed to purchase with their own money.

That the general treatment of the prisoners by Mr. Pratt, was good, but there were individual cases of rigor, where punishment was inflicted under first excitement—that he was called in one case to see a negro convict by the name of Samson whom he found in convulsions; he had been whipped about an hour before for not fulfilling his task while working at a brick kiln in very hot weather in the month of August. That he believed the convulsions to be caused by drinking cold water, and that the whipping contributed to the prostration of his system—that the symptoms were the same as in the case of a young man who had died from drinking too much cold water, a few days previous.

He farther stated that it was the understanding between himself and Mr. Pratt, that corporeal punishment should not be inflicted, without first having an investigation into the conduct of the convicts—but that there were no written rules framed for the management of the prisoners. That he never saw any one whipped without an investigation, but that convicts were often worked at some distance, and would require summary treatment for violating the discipline of the prison, and that there were many cases of whipping without being investigated by him.

That he believed a majority of the convicts fared better in the prison, than they did at home, and that he believed no exceptions

could be taken to the food, clothing, and general treatment of the prisoners, and that a month sometimes elapsed without any whipping.

Mr. Payne the visiter, was also examined under oath, and made substantially the same statements as are contained in his report to the Governor. He alluded to the diet of the prisoners, and stated that there was a mistake in his printed report—that it was printed “baked potatoes and corn bread,” when it should have been “bacon, potatoes, and corn bread.” That he had conversed with Mr. Pratt about the whipping of Samson, the negro, and that Pratt told him he had whipped him, but that he did not give him more than fifteen lashes, and did not think him sick at the time.

Mr. McChesney was also examined under oath before the committee, and stated, that during the first three years of Mr. Pratt’s management of the prison, he was assistant superintendent, and was in a situation that nearly all the punishment inflicted came under his investigation; and that during that time he had not witnessed any harsh treatment of the prisoners. That he had some experience in the management of State prisons, having been engaged in the Frankfort prison during five years, and had also been engaged for sometime in the Missouri State Prison, and that in all his experience, he never saw prisoners treated better than they were in the Indiana State Prison.

The committee deem it unnecessary to pursue the investigation any further, and have directed me to report these facts to the House, and request to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Dowling made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of E. W. H. Ellis, and others, on the subject of advertising estrays, publishing the delinquent tax list, lands mortgaged to the sinking fund, and bill of the House No. 133, have had the same under consideration, and (in addition to the bill heretofore reported) now direct me to submit the accompanying bill to the House, recommend its passage, and ask to be discharged from the further consideration of the subject.

No. 248. An act prescribing the mode of advertising sales of lands returned delinquent for non-payment of taxes;

Was read a first time, and ordered to a second reading.

Mr. Vandever made the following report:

MR. SPEAKER :

The select committee on the New Albany and Vincennes road to whom was referred "A joint resolution of the Senate on the subject of electing the superintendent of the New Albany and Vincennes road, by joint ballot of both Houses, have had that subject under consideration, and directed me to report the same back to the House with one amendment, in which the concurrence of the House is requested, and ask to be discharged from further consideration thereof.

Amend by adding to the close of the resolution, the following, "Or if any law of the legislature which may hereafter be passed during said term of ten years, relative to said office;"

Which amendment was adopted, and ordered to be engrossed for a third reading.

Mr. Clements made the following report :

MR. SPEAKER :

The select committee to whom has been referred the petition of Elias S. Terry, Esq., Alfred Daviess late school commissioner of Daviess county, and the members of the county board of said county, have had the same under consideration, and have instructed me to report the following bill, and recommend its passage.

No. 249. A bill for the relief of John B. Coleman and others of Daviess county ;

Was read a first time, and ordered to a second reading.

Mr. Ferguson made the following report :

MR. SPEAKER :

The select committee to whom was referred the memorial of the surviving directors of the Ohio and Indianapolis railroad company, have directed me to report the following bill, and recommend its passage :

No. 250. A bill to incorporate the Ohio and Indianapolis railroad company ;

Was read a first and second times, the rules being suspended, when

Mr. Mickle offered the following amendment :

SEC. —. If said company shall at any time contract debts to a larger amount than the capital stock subscribed and paid in or secured to be paid, each individual stockholder shall be individually liable for such excess in proportion to the amount of his stock subscribed and paid in or secured, which excess or proportional part

thereof, may be secured from the stockholder by an action of debt or assumpsit.

On the adoption of the amendment,

Messrs. Riley and Mickle demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Bowman, Carr, Chambers, Coon, Cruikshank, Endecott, Fuller, Herron, Jackson, Jones, Kimberlin, Lemmonds, Logan, McDonald, Mickle, Mooney, Moore, Nofsinger, Osborn of Laporte, Powers, Riley, Rippey, Seawright, Shanks, Slater, Sleeth, Tedford, Turner, Vandever, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Wilson of Sullivan—34.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Coffin, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Henry, Henton, Hinchman, Huff, Julian, Kerr, Lanius, Leyman, Legg, Lewis, Lowe, McCormack, McRae, Meeker, Morrow, Nelson, Osborn of Laporte, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Smith, Snook, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Watt, Wise, and Mr. Speaker—54.

So said amendment was not adopted.

The question then being,

“Shall the bill be engrossed for a third reading?”

Mr. Stapp moved to strike out the 29th section, and insert the following :

“That the Madison and Indianapolis Railroad Company, and the Ohio and Indianapolis Railroad Company may make such arrangements for joining the two railroads at or near Columbus, and to run the cars of each company on the roads of each other as may be for the interest of the two companies.”

Which was not adopted.

Mr. Moore moved to amend by striking out the word “perpetual” in the second section ;

Which was not adopted.

Mr. Moore then moved to amend as follows :

“The Legislature reserves the right to repeal this act at any time.”

Mr. Ferguson moved the following be inserted to the amendment of Mr. Moore :

“If it violates its charter.”

Pending which,

The House adjourned until Friday morning, 9 o'clock, A. M.



## FRIDAY MORNING, DECEMBER 26, 1845.

The House met pursuant to adjournment.

Mr. Davis moved a call of the House ;

Which was seconded.

After some time had elapsed therein,

The further call was suspended.

Messrs. Nofsinger, Yocum and Henry, were excused non attendance in the House until Monday morning.

The question on last evening at the adjournment was upon the adoption of the amendment offered by Mr. Ferguson, to the amendment of Mr. Moore, to bill of the House, No. 250 ;

Which amendment of Mr. Ferguson was not adopted.

The question then recurring on the amendment offered by Mr. Moore,

Messrs. Moore and Logan demanded the ayes and noes on its adoption.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Carr, Coon, Cruikshank, Endecott, Fuller, Leyman, Lemmonds, Logan, McCormack, McDonald, Mickle, Moore, Osborn of Sullivan, Powers, Riley, Seawright, Secrest, Slater, Tedford, Turner, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Wilson of Sullivan—28.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Chambers, Clements, Coffin, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Henton, Herron, Hinchman, Huff, Jones, Julian, Kerr, Legg, Lewis, McRae, Meeker, Monroe, Morrow, Nelson, Osborn of Laporte, Parker, Pennington, Porter, Rousseau, Ruby, Smith, Snook, Stanfield, Stapp, Stewart, Taber, Tomlinson, Watt, Wise, and Mr. Speaker—52.

So said amendment was not adopted.

Mr. Carr moved to recommit the bill to the committee on corporations with the following instructions:

“To provide for paying to the State of Indiana such compensation as may be deemed just and equitable, in case said company construct any part of said railroad on the present grade between Salem and New Albany ; and also to provide that a company may construct a railway from the town of New Albany to intersect such road.”

Which was not adopted.

Mr. Ferguson then offered the following amendment :

SEC. —. "That all subscribers of stock under the said act of 1832 who shall not after sixty days notice of the opening of the books for the subscription of stock under this act renew their subscriptions thereto, shall forfeit all their right, claim, and interest, as stockholders in said company."

Which was adopted.

The question then being,

"Shall the bill, with the amendment, be engrossed for a third reading on to-morrow?"

Messrs. Moore and Logan demanded the ayes and noes on the question.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Cameron, Carnan, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Henton, Herron, Hinchman, Huff, Jones, Julian, Kerr, Lanius, Leyman, Legg, Lemmonds, Lewis, McCormack, McRae, Meeker, Mickle, Monroe, Mooney, Morrow, Nelson, Osborn of Laporte, Parker, Pennington, Porter, Powers, Rippey, Rousseau, Ruby, Shanks, Smith, Snook, Stanfield, Stewart, Taber, Thompson, Tomlinson, Turner, Webb, and Mr. Speaker—62.

*Those who voted in the negative are,*

Messrs. Bowman, Carr, Chambers, Coon, Endecott, Fuller, Logan, McDonald, Moore, Osborn of Laporte, Seawright, Slater, Stapp, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Wise—19.

So said bill was ordered to be engrossed for a third reading.

Mr. Clymer made the following report :

MR. SPEAKER :

The select committee, to whom was referred Senate bill No. 79, An act to amend an act entitled "An act to incorporate the Buffalo and Mississippi railroad company," approved February 6, 1845, have considered the same and instructed me to report it back to the House without amendment and recommend its passage, and the said committee ask to be discharged from the further consideration thereof.

Mr. McDonald moved to refer to the committee on corporations, with instructions to add a section making the stockholders in said

company individually liable for the debts of said company ; and also to provide for the punishment of the officers and directors of said company by fine and imprisonment, should they contract debts beyond the means of the company ;

Which was not adopted.

Mr. Moore offered the following amendment :

“ The Legislature reserves the right to alter, amend or repeal this act at any time.”

And on the question of its adoption,

Messrs. Moore and Slater demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Carr, Coon, Cruikshank, Endecott, Fuller, Logan, McDonald, Mickle, Moore, Osborn of Sullivan, Riley, Seawright, Shanks, Slater, Sleeth, Tedford, Turner, Vandever, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan—25.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Henton, Herron, Hinchman, Huff, Jones, Julian, Kerr, Lanius, Leyman, Legg, Lemmonds, Lewis, McCormack, McRae, Meeker, Monroe, Morrow, Nelson, Osborn of Laporte, Parker, Pennington, Porter, Rippey, Rousseau, Ruby, Smith, Snook, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Watt, Wise, and Mr. Speaker—59.

So said amendment was not adopted.

Mr. Wiley offered the following amendment :

“ Amend by striking out that clause prohibiting the Legislature from incorporating any other company near said railroad.”

Which was not adopted.

And said bill, No. 79, was ordered to a third reading on to-morrow.

Mr. Julian made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Alexander J. Line, praying to be released from the payment of a portion of a certain bond therein named, have had the same under consideration, and have directed me to report the following preamble and bill :

No. 251. An act for the relief of Alexander J. Line of Wayne county ;

Was read a first time and ordered to a second reading.

Mr. Leyman made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred bill No. 141, relative to partition fences, have had the same under consideration and directed me to report the same back, with the following amendment, and recommend its passage :

No. 141. A bill to allow owners of partnership fences to remove the same ;

Was read a second time, amended and ordered to be engrossed for a third reading.

Mr. Conduit made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred bill of the House No. 122, entitled " A bill to provide for the election of township assessors, to define their duties, and for other purposes," have had the same under consideration.

The committee are of opinion that the substitution of officers in the several townships, upon whom would devolve the duty of making the assessments of property, would be the better plan.

In making assessments, it is of course important that the property of all the citizens of the State should be included ; and under the present arrangement a single individual being charged with the duty of listing the property of an entire county, it is reasonable to suppose that many polls and much property escape the payment of taxes by being overlooked. Many such instances have come under the observation of your committee.

The committee are further of the opinion that the expense to be incurred in the assessment of property would be materially lessened by adopting the system proposed in this bill. The provisions requiring lists of property to be handed to the assessors at a time when it is usual for most of the tax payers of the townships to meet at the places of holding elections, would enable the assessor to accomplish as much in one day, as could be done in many under the present system.

The committee cannot see the force of the objection urged by some, who think that property under the system proposed would be unequally appraised. It is the general practice for citizens to give in at least their personal property and improvements at their own appraisalment ; or if left for the assessor to fix the value, it is not probable that any one would be selected who would be unacquaint-

ed with the value of his neighbor's property ; indeed it seems reasonable that the intimate knowledge possessed by any intelligent citizen of the quantity, quality and value of the property of his immediate neighbor, would insure the better assessments.

Under the present system it is impossible to avoid the employment of many deputies ; no one officer being able, in the period specified by law, to assess the property of any but the smaller counties ; and the committee can see no good reason why the system proposed should be rejected because more than one officer would be employed in each county.

Entertaining these views, the committee have directed the bill to be reported back to the House with one amendment, and recommend its passage.

Amend by striking out of the 9th section the words " and fifty cents."

Which report was concurred in, and the amendment adopted.

Mr. Shanks moved to amend as follows :

Add to the 9th section " this act shall not apply to the county of Washington." And,

On motion by Mr. Moore,

The county of Owen was added to the amendment of Mr. Shanks.

Mr. Hall of Gibson moved that the bill be laid upon the table.

Messrs. Cookerly and McDonald demanded the ayes and noes on the adoption of the motion.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carr, Carnan, Carter, Clements, Clymer, Coffin, Coon, Cornelius, Cox, Cruikshank, Dole, Ferguson, Hall of Gibson, Harvey, Herron, Hinchman, Julian, Kerr, Legg, Lewis, McDonald, McRae, Meeker, Mooney, Moore, Morrow, Nelson, Osborn of Laporte, Rippey, Rousseau, Ruby, Seawright, Secrest, Slater, Sleeth, Smith, Snook, Stanfield, Stewart, Taber, Thompson, Tomlinson, Watt, Webb, Wiley, Wilson of Noble, and Mr. Speaker—51.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Burns, Chambers, Conduit, Cookerly, Davis, Dowling, Edwards, Ellis, Endecott, Ford, Fuller, Hall of Warren, Henton, Huff, Leyman, Lemmonds, Logan, McCormack, Mickle, Monroe, Osborn of Sullivan, Parker, Pennington, Porter, Riley, Shanks, Stapp, Tedford, Turner, Vandever, Webber, Wilson of Marion, Wilson of Sullivan, and Wise—38.

So said bill was laid upon the table.

Mr. Dowling made the following report :



MR. SPEAKER :

The select committee, to whom was referred bill of the House, No. 12, entitled an act to amend an act entitled "An act incorporating the Michigan road company," have had the same under consideration, and have directed me to report the same back to the House, with an amendment, and respectfully recommend its passage.

Which amendment was concurred in ;  
And said bill, No. 12, ordered to be engrossed for a third reading.  
Mr. Cookerly made the following report :

MR. SPEAKER :

The committee to whom was referred the petition and remonstrance of sundry citizens of Lost Creek township, Vigo county, Indiana, praying relief for the purchasers of the lands of school section of said township, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 252. A bill for the relief of certain purchasers of school lands in Lost Creek township, in Vigo county ;

Was read a first time, and ordered to a second reading.

Mr. Wise made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of sundry citizens of Jefferson county, on the subject of changing the name of a town therein named, have directed me to report a bill in accordance with the prayer of the petitioners.

No. 253. A bill changing the name of Dobsonville, in Jefferson county, to that of Chambersburgh ;

Was read a first time, and ordered to a second reading.

Mr. Parker made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of John Honestine, in relation to his mills on the St. Mary's river, in the county of Allen, have had the subject of his prayer under consideration, and after due advisement in the premises, directed me to report the following bill, and recommend the passage thereof :

No. 254. A bill authorizing John Honestine, his heirs and assigns,

to keep, maintain, and improve his mills, premises and appurtenances, on the St. Mary's river, in Allen county;

Was read a first time, and ordered to a second reading.

On motion by Mr. Seawright,

*Resolved*, That the committee on military affairs be authorized to enquire into the expediency of adopting a more thorough organization of the militia of this State, with leave to report by bill or otherwise.

On motion by Mr. Cookerly,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of constituting a township court in each township in every county in this State, to be composed of two magistrates elected by the people for that purpose, with leave to report by bill or otherwise.

Mr. Pennington asked to be discharged from the committee on the petition from Dearborn county, in relation to the boundary line of Ohio county;

Which leave was granted.

On motion by Mr. Carr,

*Resolved*, That the select committee on the subject of printing, be instructed to enquire into the expediency of providing a law to regulate the fees of printers for the publication of acts of the Legislature, by special order of the same, with leave to report by bill or otherwise.

Mr. Stapp withdrew his motion made to take from the table bill of the House,

No. 57. A bill to encourage manufacturers.

#### BILLS INTRODUCED.

By Mr. Hall of Gibson,

No. 255. A bill in relation to evidence in cases where records have been destroyed by fire;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Shanks,

No. 256. A bill to repeal the 92d, 93d, and 94th sections of chapter 15, of the Revised Statutes of 1843, and for other purposes;

By Mr. Tedford,

No. 257. An act to correct the boundary line of Carroll county;

By Mr. Ford,

No. 259. A bill to subdivide certain school lands in the county of Randolph, belonging to congressional township No. 8, in Monroe county;

Were each read a first time, and ordered to a second reading.

By Mr. Taber,

No. 258. An act for the relief of Zera Sutherland;

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

By Mr. Stapp,

No. 260. A bill for the relief of James Vawter;

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

By Mr. Smith,

No. 261. An act locating a State road in the counties of Fulton and Marshall;

Was read a first and second times, the rules being suspended, and referred to the committee on roads.

By Mr. Stapp,

No. 262. A bill explanatory of the act of the 30th January, 1842, relative to the Lawrenceburgh and Indianapolis railroad company;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Seawright,

No. 263. An act for the relief of Huldah Richardson, of Clinton county;

Was read a first time and ordered to a second reading.

By Mr. Osborn of Laporte,

No. 264. An act for the relief of John Johnson, of Laporte county;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Baker,

No. 265. A bill limiting the commencement of actions for the recovery of real estate;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Stewart,

No. 266. A bill for the relief of James Miller;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Stewart, Henton, and Riley.

By Mr. Mickle,

No. 267. An act to reduce the salary of Agent of State;

Was read a second time, when

Mr. Conduit moved to strike out \$800 and insert \$600.

Mr. Cox moved to insert \$500.

Mr. Secrest moved that the bill be laid upon the table;

Which was adopted.

The Speaker laid before the House a communication from his Excellency, the Governor, containing the report of the engineer surveying the route of the Wabash and Erie canal from Terre Haute to Evansville;

Which report was laid upon the table, and five hundred copies ordered to be printed.

The accounts accompanying the report were referred to the committee on canals and internal improvements.

Mr. Osborn of Laporte, introduced bill

No. 268. An act relative to the duties of county recorder ;

Was read a first time, and ordered to a second reading ; and,

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

House met.

#### ORDERS OF THE DAY.

##### SENATE BILLS ON SECOND READING.

No. 8. A joint resolution in relation to the election of a superintendent on the New Albany and Vincennes road ;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

##### HOUSE BILLS ON THIRD READING.

No. 199. An act to amend the 73d section in the 15th chapter of the Revised Statutes of 1843 :

Was read a third time ; when,

On its passage,

Messrs. McDonald and Riley demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Carnan, Carter, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Coon, Cornelius, Cox, Cruikshank, Davis, Dole, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Henton, Herron, Hinchman, Huff, Jones, Julian, Kerr, Lanius, Leyman, Legg, Logan, McCormack, McDonald, Meeker, Mickle, Monroe, Mooney, Moore, Morrow, Nelson, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Rippey, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Snook, Stanfield, Stewart, Tedford, Thompson, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—78.

*Those who voted in the negative are,*

Messrs. Cameron, Hill, Lemmonds, Lewis, McRae, Stapp, Taber, Tomlinson, and Wise—9.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 210. An act to amend the 40th chapter of the Revised Statutes of 1843, relative to the serving of process;

No. 232. An act to amend an act fixing the time of holding courts in the fifth judicial circuit, approved January 13, 1845;

No. 235. An act extending the time of holding probate courts in Shelby county;

No. 236. An act to amend the 10th article of 7th chapter of the Revised Statutes of 1843;

No. 237. An act to amend the 65th section of the 54th chapter of the Revised Statutes of 1843;

No. 238. An act regulating the mode of enforcing the collection of certain costs in the several courts of this State;

No. 239. An act to authorizing the placing of swinging gates on highways in Dearborn county;

No. 241. An act for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range 32, in Adams township, Cass county;

No. 243. An act in relation to the probate courts of Henry county;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS ON SECOND READING.

No. 91. An act for the relief of Victor A. Pepin, of Floyd county;

No. 49. A bill to authorize the re-appraisement of school lands in certain cases;

No. 80. A bill for the relief of Joseph and Maria Rudman, of Franklin county;

No. 92. A bill legalizing the acts of the auditor and school commissioner of Lagrange county;

No. 100. A bill to vacate a part of the town of Waterloo, in Fayette county;

No. 101. A bill for the relief of the heirs of James McCleery, of the county of Franklin;

No. 108. A bill to amend an act, entitled, "An act to locate a State road in the county of Marshall," approved January 13, 1845;

Were each severally read a second time, and ordered to a third reading.

No. 28. An act to incorporate the Rising Sun manufacturing company;



Was read a second time, and referred to the committee on corporations.

No. 43. An act relative to taking up estrays;

Was read a second time, and referred to a select committee of Messrs. Pennington, Shanks, and Morrow.

No. 91. A bill abolishing the highway tax in Morgan county;

Was read a second time, and referred to a select committee of Messrs. Conduit, Ford, and Brumfield.

No. 66. An act to extend further time to borrowers of the sinking fund;

Was read a second time, and laid upon the table.

No. 84. An act to authorize the names of insolvent persons to be stricken from the tax duplicates;

Was read a second time and indefinitely postponed.

No. 94. An act to amend an act, entitled, "An act incorporating the Dearborn County Cotton Manufacturing Company, and for other purposes," approved February 11, 1845;

Was read a second time, and referred to the committee on corporations.

No. 95. An act for the relief of Martha Ann McCune, of Floyd county;

Was read a second time; and

On its being ordered to a third reading,

Messrs. Secrest and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Bowman, Carnan, Carter, Cookerly, Coon, Davis, Dole, Dowling, Ellis, Ferguson, Fuller, Hall of Gibson, Henton, Huff, Jones, McDonald, Monroe, Nelson, Pennington, Riley, Sleeth, Smith, Stanfield, Stapp, Stewart, Taber, Tomlinson, Wilson of Sullivan, and Mr. Speaker—29.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Burns, Cameron, Carr, Chambers, Clements, Clymer, Coffin, Cornelius, Cox, Cruikshank, Endecott, Hall of Warren, Harvey, Herron, Hill, Hinchman, Julian, Kerr, Leyman, Legg, Lewis, Logan, McCormack, McRae, Meeker, Mickle, Moore, Morrow, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Powers, Rippey, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Tedford, Thompson, Turner, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Wise—54.

So said bill was not ordered to a third reading.

Mr. Tedford, from the committee on enrolled bills, made the following report:

MR. SPEAKER :

The committee on enrolled bills have compared the following with the engrossed bills, and find them correctly enrolled :

No. 22. An act to change the time of holding probate courts in Dubois county ;

No. 13. An act relative to the probate courts of Jackson and Greene counties .

No. 147. An act in relation to the sale of saline lands in Orange county ;

No. 29. An act to restrict the operation of an act, entitled, " An act relative to the appointment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845 ;

No. —. An act to incorporate the Terre Haute Greys ;

No. 107. A bill to change the mode of districting hands to perform labor on public roads in Orange county ;

Whereupon the Speaker approved the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

#### HOUSE BILLS ON SECOND READING.

No. 245. A bill in relation to tax titles ;

No. 248. A bill prescribing the mode of advertising sales of lands returned delinquent for non-payment of taxes :

No. 249. A bill for the relief of John B. Coleman and others, of Daviess county ;

Were each severally read a second time, and ordered to be engrossed for a third reading.

No. 247. A bill to prevent deputy clerks practising law in the counties in which they reside ;

Was read a second time ; and,

On motion,

Laid upon the table.

On motion by Mr. Baker,

Bill of the Senate, No. 3, a bill to authorize the holding of special terms of circuit courts, in the 12th judicial circuit, was taken from the table and passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Slater,

No. 88 of the Senate, a bill to extend the time of the February term of the Franklin circuit court,

Was taken from the table and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Dowling moved to reconsider the vote taken this day on the passage of bill,

No. 236. A bill to amend the 10th article of the 40th chapter of the Revised Statutes of 1843;

Pending which,

On motion by Mr. Davis,

The House adjourned till to-morrow morning, 9 o'clock.

## SATURDAY MORNING, DECEMBER 27, 1845.

House met pursuant to adjournment.

The question pending on the last evening at the adjournment was on reconsidering the vote on the passage of bill of the House, No. 236;

Which vote was reconsidered;

And for the purpose of having it referred,

Mr. Dowling moved that the vote taken on the engrossment also be reconsidered;

Which motion prevailed.

Mr. Dowling then moved that the bill be referred to a select committee;

Which was adopted.

And the Speaker appointed Messrs. Secrest, Mooney, Hall of Gibson, Thompson and Dowling said committee.

The rules being suspended therefor.

Mr. Secrest made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred bill of the Senate, No. 68, entitled " A bill to amend the revenue laws," have had said bill under consideration, and have unanimously instructed me to report said bill back to the House and recommend its indefinite postponement.

Which report was concurred in;

And said bill, No. 68, was indefinitely postponed.

The House then proceeded to act upon the messages of the Senate.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, without amendment :

No. 90. An act for the relief of Thomas Carico of Knox county ;

No. 121. An act to vacate a certain road in Jefferson county.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof :

No. 105. A bill to locate a State road in the counties of Fountain and Warren ;

In which the concurrence of the House is respectfully requested.

The bill in said message mentioned,

Was read a first and second times, the rules being suspended, and laid upon the table.

#### PETITIONS, &c. PRESENTED.

By Mr. Mooney,

A petition from Caneley M. Lewis of Jackson county, praying for relief ;

Which was referred to a select committee of Messrs. Mooney, Carr and Webb.

By Mr. Bowman,

A petition from sundry citizens of Montgomery and Fountain counties, praying for a State road to connect Alamo, in Montgomery county, with Jacksonville, in Fountain county ;

Which was referred to a select committee of Messrs. Bowman, Herron and Ellis.

By Mr. Shanks,

A petition from Washington county, praying for an act to change the macadamised road, leading from Salem to Jeffersonville, into a railroad ;

Which was referred to a select committee of Messrs. Shanks, Ferguson and Jones.

By Mr. Parker,

A petition for the extension of the free turnpike road in Allen county ;

Was referred to the committee on roads.

By Mr. Stapp,

A petition for the relief of James Vawter ;

Which was referred to the committee on canals and internal improvements.

By Mr. Taber,

A petition from sundry citizens of Cass county, praying that the present law fixing the time of the forfeiture for the non-payment of the interest and instalments on the Wabash and Erie canal lands be changed ;

Which was referred to the committee on canals and internal improvements.

By Mr. McDonald,

A petition from Porter county, praying that an act may be passed allowing the citizens of said county to take a vote on granting license to sell spirituous liquors ;

Which was referred to the judiciary committee.

By Mr. Henton,

A petition from sundry citizens of Miami county for the establishment of a State road therein named ;

Which was referred to a select committee of Messrs. Henton, Cruikshank and Wise.

By Mr. Henton,

A remonstrance against the above petition, from Miami county ;

Which was referred to the committee on canals and internal improvements.

By Mr. Burns,

A petition from sundry citizens from Switzerland county ;

Which was referred to a select committee of Messrs. Burns, Lanius and Blackwell.

By Mr. Mickle,

A petition from the citizens of Adams and Jay, praying for a school tax ;

Which was referred to a select committee of Messrs. Mickle, Mooney and Arnold.

By Mr. Julian,

A petition from sundry citizens of Wayne county concerning the sale of spirituous liquors ;

Which was referred to a select committee of Messrs. Julian, Chambers, and Wilson of Marion.

By Mr. Smith,

A petition of sundry citizens of Fulton county, praying that county surveyors be elected by the people ;

Which was referred to a select committee of Messrs. Smith, Taber and Slater.

By Mr. Brumfield,

A remonstrance against the formation of a new county of the surplus of Putnam, Parke and Montgomery ;

Which was referred to the committee who have the same matter under consideration.



By Mr. Sleeth,  
The petition of Sarah Wallace ;  
Which was referred to a select committee of Messrs. Sleeth, Vandever and Kerr.

By Mr. Osborn of Laporte,  
The petition of Amzi Clark and sundry others of Laporte for a repeal of the relief laws ;

Which was referred to a select committee of Messrs. Osborn of Laporte, Meeker, Stanfield, Lanius and Davis.

By Mr. Powers,  
A petition from Steuben county praying for the extension of a certain State road therein described ;

Which was referred to the committee on roads.

Mr. McDonald made the following report:

**MR. SPEAKER:**

The judiciary committee to whom was referred a bill of the House, entitled a bill to enable married women to acquire and hold separate property, have had the same under consideration, and believing the provisions of the bill to be inconsistent with the relative duties of husband and wife, under the present organization of society, and believing, that if the object of the bill be to preserve to married women a competent support in cases of spendthrift husbands, that that object can be attained by the existing laws, without establishing a new legal policy, which, in the opinion of your committee would lead to a vast amount of fraud and litigation, they have directed me to report the bill back to this House and recommend its indefinite postponement.

Which report was not concurred in.

And said bill No. 155, was

On motion,

Laid upon the table.

Mr. Smith made the following report:

**MR. SPEAKER:**

The committee on roads, to whom was referred bill No. 261 of the House, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage, and ask to be discharged from the further consideration of the subject.

No. 261. An act locating a State road in the counties of Fulton and Marshall ;

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the petition of John Fusey, have had the same under consideration, and have directed me to report, that in its opinion, it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Clymer made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred the petition of sundry citizens of Vigo county, praying for the relief of William Walden, sen., have had the same under consideration, and directed me to report, that it is inexpedient to legislate on that subject, and said committee ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred bill of the House No. 163, "A bill for the keeping canal bridges in repair," have had the same under consideration, and have directed me to report the bill back to the House, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Clymer made the following report:

MR. SPEAKER:

The committee on canal and internal improvements to whom was referred the petition of sundry citizens of Cass county, as well as bill and resolution on the same subject, have had the same under consideration, and instructed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration of the subject.

No. 269. An act for the relief of purchasers of canal lands;  
Was read a first time, and ordered to a second reading.

Mr. Logan made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred bill of the House, No. 240, "Providing for the erection of a road bridge on the Wabash and Erie canal," have had the same under consideration, and have directed me to report the same back to the House with one amendment, and recommend its passage.

Which report was concurred in.

The amendment adopted,

And said bill No. 240, ordered to be engrossed for a third reading.

Mr. McDonald moved to take from the table bill No. 85,

Which was adopted.

Mr. McDonald moved an amendment; when

On motion by Mr. Baker,

It was again laid upon the table.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the House, No. 70, "To incorporate the Evansville Medical Society, and to authorize said medical society to organize and establish a medical college," have had the same under consideration, and have directed me to report the same back to the House without amendment and recommend its passage.

Which report was concurred in.

And said bill No. 70, ordered to be engrossed for a third reading.

Mr. Parker made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred No. 234, a bill to amend an act, entitled, "An act to incorporate the city of Fort Wayne," &c., have instructed me to report the same back to the House, without amendment, and recommend its passage, and your committee ask to be discharged, &c.

Said bill, No. 234,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Carr made the following report:

MR. SPEAKER :

The committee on corporations, to whom was referred bill of the House, No. 172, to incorporate the Union Medical Society of Northern Indiana, have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage.

Which report was concurred in; and

Said bill, No. 172,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Carr made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred bill No. 59, of the Senate, to incorporate the Brookville Manufacturing Company, have had the same under consideration, and have directed me to report the same back to the House with one amendment, and so amended, to recommend its passage, to wit: strike out the 16th section of the bill, and insert the following :

Which amendment was not adopted ; and

Said bill, No. 59,

Was ordered to a third reading on to-morrow.

Mr. Mickle made the following report :

MR. SPEAKER :

The select committee, to whom was referred sundry petitions of the citizens of Adams and Jay, praying for the assessment of a tax for school purposes in said counties, have had that subject under consideration, and directed me to report the following bill, and respectfully recommend its passage, and ask to be discharged from the further consideration of that subject :

No. 270. A bill to assess a school tax in the counties of Adams and Jay ;

Was read a first time, and ordered to a second reading.

Mr. Lanius made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of Saml. Jelly, and others, praying for the location of a State road in the counties of Ohio and Switzerland, have had the same under consideration, and have directed me to report the following bill :

No. 271. A bill to locate a State road in the counties of Ohio and Switzerland ;

Was read a first time, and ordered to a second reading.

Mr. Porter made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill, No. 231 of the House, entitled, " An act for the relief of Benjamin Powell, and the heirs of Harrison Barnet, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage :

Bill, No. 231,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Morrow made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Grant and Madison counties, praying for the location of a State road from Back creek meeting-house, in Grant county, to Robert Robs's in Madison county ; and also the remonstrance of a number of the citizens of Grant county, against the granting the prayer of said petitioners, have had the same under consideration, and are of opinion that the public good will not be enhanced by granting said State road ; therefore, the committee have instructed me to report that it is inexpedient to grant the prayer of said petitioners, which is respectfully submitted to the House, and the committee request to be discharged from the further consideration of the subject.

Which report was concurred in.

On motion by Mr. Secrest,

*Resolved*, That the committee on the judiciary be instructed to enquire whether the State Bank of Indiana, under the existing laws, has authority to continue the issuance of notes of a less denomination than five dollars, after the — day of January, 1846, and that if any legislation is deemed necessary by said committee on that subject, that said committee have leave to report by bill.

On motion by Mr. Wise,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of taxing school lands after the same shall have been purchased ten years—the same to be taxed in proportion to the amount paid on said school lands.

On motion by Mr. Taber,

*Resolved*, That the committee on ways and means be instructed to



enquire into the expediency of enacting a law, making taxes paid upon real estate, by a third person, a lien upon said land, with leave to report by bill or otherwise.

On motion by Mr. Taber,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of passing a law requiring all judgments obtained in the federal courts of Indiana, which operate as a lien upon real estate, to be registered in the several counties in which the defendants thereof may reside, with leave to report by bill or otherwise. And if upon examination they find that the Legislature cannot pass a law of this kind, that they be instructed to report a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of such a law by the Congress of the United States.

#### BILLS INTRODUCED.

By Mr. Carter,

No. 275. A bill relative to recording deeds and mortgages;

By Mr. Cameron,

No. 276. A bill relative to jurisdiction of justices of the peace;

By Mr. Burns,

No. 277. A bill to prevent county auditors from practising as attorneys and counsellors at law, in the county commissioner's court;

Which were each severally read a first time, and ordered to a second reading.

By Mr. Shanks,

No. 272. A bill to extend an act to provide for the transfer of the surplus revenue funds, &c., approved February 11th, 1843;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Stapp,

No. 273. A bill authorizing B. F. C. Lodge, late collector for Jefferson county, to collect arrearages of taxes;

Was read a first and second times, the rules being suspended, and ordered be engrossed for a third reading;

By Mr. Smith,

No. 274. A bill for the relief of purchasers of school lands in Fulton county;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Smith, Taber, and Seawright.

## ORDERS OF THE DAY.

## SENATE BILLS ON THIRD READING.

No. 49. A bill to authorize the re-appraisement of school lands in certain cases;

No. 79. A bill to amend an act entitled "An act to incorporate the Buffalo and Mississippi railroad company," approved February 6, 1835;

No. 90. A bill for the relief of Victor A. Pepin, of Floyd county;

No. 92. A bill legalizing the acts of the auditor and school commissioner of Lagrange county;

No. 100. A bill to vacate a part of the town of Waterloo, in Fayette county;

No. 101. A bill for the relief of the heirs of James McLeery, of the county of Franklin.

No. 108. A bill to amend an act, entitled, "An act to locate a State road in the county of Marshall," approved January 13, 1845; Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 80. A bill for the relief of Joseph and Maria Rudman, of Franklin county;

Was read third time, when

Messrs Julian and Cameron demanded the ayes and noes on the passage of said bill.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Clymer, Coon, Cruikshank, Davis, Dole, Dowling, Endecott, Fuller, Hall of Gibson, Hall of Warren, Henton, Huff, Jones, Lanius, Logan, Lowe, McCormack, McDonald, Moore, Osborn of Sullivan, Pennington, Riley, Rippey, Seawright, Slater, Sleeth, Smith, Stapp, Taber, Turner, Wiley, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—38.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Burns, Cameron, Carr, Carnan, Chambers, Coffin, Conduit, Cookerly, Cornelius, Cox, Edwards, Ellis, Ford, Herron, Hill, Hinchman, Julian, Kerr, Leyman, Legg, Lemmonds, Lewis, McRae, Meeker, Mooney, Morrow, Nelson, Parker, Porter, Powers, Secrest, Shanks, Snook, Stanfield, Stewart, Tedford, Thompson, Tomlinson, Vandever, and Wise—42.

So said bill did not pass.

## BILLS OF THE HOUSE ON THIRD READING.

No. 250. A bill to incorporate the Ohio and Indianapolis railroad company;

Was read a third time, and on its passage,

Messrs. Moore and Logan demanded the ayes and noes;

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron, Carnan, Coffin, Cookerly, Cornelius, Cox, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Hall of Gibson, Hall of Warren, Henton, Heron, Hinchman, Huff, Jones, Julian, Kerr, Lanius, Leyman, Lemmonds, McCormack, McRae, Meeker, Mooney, Morrow, Nelson, Parker, Pennington, Porter, Rippey, Rousseau, Secrest, Shanks, Smith, Snook, Stanfield, Stewart, Taber, Thompson, Tomlinson, Turner, and Mr. Speaker—51.

*Those who voted in the negative are,*

Messrs. Carr, Coon, Chambers, Cruikshank, Endecott, Fuller, Hill, Logan, McDonald, Moore, Osborn of Sullivan, Powers, Seawright, Slater, Stapp, Vandever, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Wise—22.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 12. A bill to amend an act entitled "An act incorporating the Michigan road company," approved January 13th, 1845;

Was read a third time;

Pending which,

Mr. Wilson of Marion, moved a call of the House;

Which was ordered:-

During which,

On motion,

The House adjourned until 2 o'clock, P. M.

---

*2 o'clock, P. M.*

House met.

On motion by Mr. Meeker,

The further call of the House was suspended.

Mr. Wilson of Marion, move to recommit the bill under consideration, with the following instructions:

"To amend by striking out all that relates to certificates;"

Which was not adopted.

The question then being,

"Shall the bill pass?"

It was decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

No. 141. A bill to allow owners of partnership fences to remove the same;

No. 245. A bill relative to tax titles;

No. 248. A bill prescribing the mode of advertising sales of lands returned delinquent for nonpayment of taxes;

No. 249. A bill for the relief of John B. Coleman and others, of Daviess county;

Were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 252. A bill for the relief of certain purchasers of school lands in Lost Creek township, in Vigo county;

No. 253. A bill changing the name of Dobsonville, in Jefferson county, to that of Chambersburg;

No. 254. A bill authorizing John Howenstein, his heirs and assigns to keep, maintain and improve his mill premises and appurtenances on the St. Mary's river, in Allen county;

No. 256. A bill to repeal the 92d, 93d, and 94th sections of chapter 15, of the Revised Statutes of 1843, and to amend the law making it the duty of the county boards to examine the several trust funds at the March session;

Which were read a second time and ordered to be engrossed for a third reading.

No. 251. A bill for the relief of Alexander J. Line, of Wayne county;

Was read a second time, and referred to the committee on the judiciary.

No. 259. A bill to subdivide certain school lands in the county of Randolph, belonging to congressional township No. 8, in Monroe county;

Was read a second time.

Mr. Tomlinson moved to amend by inserting the county of Dearborn;

Which was adopted; and,

On motion,

Said bill was laid upon the table.

No. 257. A bill to correct the boundary line of Carroll county;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Vandever moved to reconsider the vote taken this day on the passage of bill of the Senate,

No. 80. A bill for the relief of Joseph and Maria Rudman, of Franklin county;

Messrs. Carnan and Secrest demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Brumfield, Carter, Chambers, Clymer, Cookerly, Coon, Cox, Cruikshank, Davis, Dowling, Endecott, Fuller, Hall of Gibson, Hall of Warren, Henton, Huff, Jones, Lanius, Logan, Lowe, McCormack, McDonald, Mickle, Monroe, Moore, Osborn of Sullivan, Pennington, Powers, Riley, Rippey, Ruby, Slater, Sleeth, Stapp, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—46.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Burns, Cameron, Carr, Carnan, Clements, Coffin, Cornelius, Edwards, Ferguson, Herron, Hill, Hinchman, Julian, Kerr, Leyman, Legg, Lemmonds, McRae, Meeker, Morrow, Nelson, Parker, Porter, Secrest, Shanks, Snook, Stanfield, Stewart, Tedford, Thompson, Tomlinson, and Wise—34.

So said vote was reconsidered.

The question then being,

“ Shall the bill pass?”

It was decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

No. 263. A bill for the relief of Huldah Richardson of Clinton county;

Was read a second time, and laid upon the table.

No. 268. A bill relative to the duties of county recorder;

Was read a second time, and referred to the judiciary committee.

On motion by Mr. Vandever,

The House adjourned until Monday morning, 9 o'clock.



MONDAY MORNING, DECEMBER 29, 1845.

The House met pursuant to adjournment.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Snook,

A remonstrance from sundry citizens of Montgomery county against the formation of a new county, out of a portion of Montgomery;

Which was referred to the select committee who have that subject under consideration.

By Mr. Brumfield,

A remonstrance from a large number of the citizens of Montgomery, Parke, and Putnam counties, against the formation of a new county out of portions of said counties;

Which was referred to the select committee who have the same subject under consideration.

By Mr. Nelson,

A remonstrance from sundry citizens of Montgomery county, against the formation of a new county, out of a part of Montgomery, Parke, and Putnam;

Which was referred to the committee who have that subject under consideration.

By Mr. Stanfield,

A petition from sundry citizens of St. Joseph county, praying for a repeal of the "appraisement and valuation laws;"

Which was referred to the select committee who have the same subject under consideration.

By Mr. Smith,

A petition from sundry citizens of Fulton county, asking that the law on that subject may be so changed as that a plaintiff may bring suit in any township that he may see proper, in the county in which he resides;

Which was referred to the judiciary committee.

By Mr. Jones,

A petition from the city of New Albany, praying for a certain change in the charter of their city;

Which was referred to a select committee of Messrs. Jones, Davis, and Wise.

By Mr. Herron,

A petition from Montgomery county, praying for a change of the road law;

Which was referred to the committee on roads.

By Mr. Kimberlin,

A petition for the extension of the Madison and Indianapolis Railroad to Peru, on the Wabash and Erie canal;

Was referred to a select committee.

By Mr. Henton,

A petition of sundry citizens of Wabash county, praying the passage of an act, authorizing Aaron K. Sayre and Daniel Sayre, to erect a mill dam across the Mississinewa river;

Was referred to a select committee of Messrs. Henton, Smith, and Taber.

By Mr. Clements,

The petition of Alfred Davis, school commissioner of Daviess county, together with that of John B. Coleman and T. B. Graham, praying for relief;

Was referred to a select committee of Messrs. Clements, Stanfield, and Ruby.

By Mr. Arnold,

The petition of George W. Branham & Co., praying for relief for work done on the Madison and Indianapolis Railroad;

Was referred to the committee on canals and internal improvements.

By Mr. Lanius,

A remonstrance against the repeal of the law forming Ohio county;

Was referred to the same select committee who have that subject under consideration.

By Mr. Kimberlin,

A petition from certain citizens of Hamilton county, praying that certain parties therein named, may be divorced from the bonds of matrimony;

Which was referred to a select committee of Messrs. Kimberlin, Jackson, and Logan.

By Mr. Ruby,

A petition from sundry citizens of Union county, praying for a passage of a law, for the preservation of the sheep, in that county;

Which was referred to a select committee of Messrs. Ruby, Meeker, and Watt.

Mr. Vandever made the following report:

**MR. SPEAKER:**

The committee on roads to whom was referred the petition of sundry citizens of Steuben county, praying for a certain State road therein named, have had the same under consideration, and directed me to report the same back to the House as inexpedient to legislate upon, and ask to be discharged from further consideration thereof.

Which report was concurred in.

Mr. Smith made the following report:

**MR. SPEAKER :**

The committee on roads to whom was referred the petition of sundry citizens of this State, praying an additional tax on speculators' lands, and an additional day's work on each 80 acres, have considered the same, and directed me to report legislation on that subject inexpedient.

Which report was concurred in.

Mr. Smith made the following report :

**MR. SPEAKER :**

The committee on roads to whom was referred the petition of sundry citizens of this State, in relation to the extension of the Madison and Indianapolis Railroad, north to Peru, have considered the same and have directed me to report the same back and recommend its reference to the committee on corporations, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Dowling made the following report :

**MR. SPEAKER :**

The committee on canals and internal improvements to whom was referred bill of the Senate, No. 65, "for the relief of Thomas Murphy," have had the same under consideration, and have directed me to report the same back to the House, with one amendment, and respectfully recommend its passage.

Which report was not concurred in.

And said bill, No. 65, was,

On motion,

Laid upon the table.

Mr. Smith made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred the petition of sundry citizens of Fulton county, praying that county surveyors be elected by the people in said county, have considered the same, and have directed me to report the same back, with the following bill, and recommend its passage :

No. 278. An act to provide for the election of county surveyors in Fulton and Marshall counties ;

Was read a first time and ordered to a second reading.

Mr. Sleeth made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Sarah Wallace of Marion county, praying to be divorced from her husband, James W. Wallace, have had that subject under consideration, and directed me to report the accompanying bill, and respectfully recommend its passage.

No. 279. An act for the relief of Sarah Wallace ;  
Was read a first time and ordered to a second reading.

On motion by Mr. McCormack,

*Resolved*, That the committee on canals and internal improvements be instructed to enquire into the expediency of changing the time of paying interest on canal lands from October till January.

On motion by Mr. Secrest,

*Resolved*, That the committee on claims enquire into the expediency of providing by law for compensation to the messengers or marshals appointed by the Governor in the year 1844, to notify the electors of President and Vice President of the United States of their election, and that said committee have leave to report by bill or otherwise.

Mr. Logan offered the following resolution :

*Resolved*, That the House will, the Senate concurring therein, proceed to the election of a superintendent on the New Albany and Vincennes McAdamised road on this day at two o'clock, P. M.

Which was,

On motion,

Laid upon the table.

On motion by Mr. Webber,

*Resolved*, That the committee on military affairs be instructed to enquire whether there be any law in force for the collection of fines for neglecting to perform military duty, and to report what legislation, if any, is necessary on that subject.

On motion by Mr. Hinchman,

*Resolved*, That this House will meet in session hereafter at half past eight o'clock, A. M., and at half past one o'clock, P. M.

Which was not adopted.

On motion by Mr. Hazelrigg,

*Resolved*, That a select committee of three be appointed whose duty it shall be to enquire into the propriety of providing a fund for the extinguishment of the State debt; and to prepare and report a table showing the accumulative capacity of such fund at five per cent. per annum for any number of years up to thirty, and showing also the result of such fund forborne for a given period and compounded at the same rate.

Whereupon the Speaker appointed Messrs. Hazelrigg, Dowling and Stapp said committee.

Mr. Chambers offered the following resolution :

*Resolved*, That this House will, the Senate concurring therein, adjourn *sine die* on Monday, the 12th day of January next.

Mr. Thompson moved that the resolution be laid upon the table.

And on the passage of the motion,

Messrs. McCormack and Logan demaded the ayes and noes.

And on the calling of the ayes and noes there being a tie,

Mr. Vandever moved a call of the House ;

Which was not seconded.

Mr. Pennington then demanded a new count ;

Which prevailed.

*Those who voted in the affirmative are,*

Messrs. Baker, Brumfield, Cameron, Carter, Clements, Coffin, Cookerly, Dole, Dowling, Ferguson, Fuller, Hall of Gibson, Hall of Warren, Henton, Herron, Hinchman, Huff, Jackson, Kerr, Kimberlin, Lemmonds, Lewis, Logan, Lowe, McDonald, McRae, Monroe, Mooney, Moore, Nelson, Nofsinger, Parker, Pennington, Porter, Powers, Riley, Ruby, Seawright, Secrest, Snook, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Turner, Watt, Wilson of Marion, Wilson of Noble, and Mr. Speaker—50.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Carr, Carnan, Chambers, Clymer, Coon, Cornelius, Cox, Cruikshank, Davis, Edwards, Ellis, Endecott, Ford, Hazelrigg, Henry, Hill, Jones, Julian, Leyman, Legg, McCormack, Meeker, Mickle, Morrow, Osborn of Laporte, Osborn of Sullivan, Rippey, Robinson, Shanks, Slater, Sleeth, Smith, Tedford, Vandever, Webb, Webber, Wiley, Wilson of Sullivan, Wise and Yocum—44.

So said resolution was laid upon the table.

Mr. Thompson introduced joint resolution

No. 280. A joint resolution in relation to the public lands in the Vincennes district in the State of Indiana ;

Was read a first time and ordered to a second reading.

#### BILLS INTRODUCED.

By Mr. Mooney,

No. 281. A bill providing for the adjustment of a certain claim therein named ;

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

By Mr. Tedford,

No. 282. A bill to incorporate the Wild Cat navigation company ;



Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

By Mr. Taber,

No. 283. A bill allowing the commissioner of the Wabash and Erie canal to employ an engineer ;

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

By Mr. Stapp,

No. 284. A bill to incorporate the Madison fire insurance company ;

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

By Mr. Dole,

No. 285. A bill granting the right of way to a company to construct a rail or turnpike road therein named, in Vermillion county ;

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

Mr. Hazelrigg moved to take from the table bill

No. 176. An act for the relief of the Wabash Manual Labor College and Teachers' Seminary ;

Which was adopted.

Mr. Vandever moved to recommit the bill to the committee on education, with the following instructions :

"Strike out 'five per cent.' and insert 'seven per cent.' wherever it occurs in the bill."

Mr. Clymer moved to further amend :

"So as to embrace the interest already due ;"

Which amendment was accepted by Mr. Vandever.

Mr. Seawright moved to amend by striking out "five per cent." and inserting "six ;"

Pending which,

On motion by Mr. Secrest,

The House adjourned until two o'clock, P. M.

*2 o'clock, P. M.*

The House met.

Mr. Vandever moved to suspend the rules for the purpose of taking up a resolution from the table on going into the election of a superintendent on the New Albany and Vincennes road ;

Which was not adopted.

## ORDERS OF THE DAY.

## SENATE BILLS ON THIRD READING.

No. 59. An act to incorporate the Brookville Manufacturing Company;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

## HOUSE BILLS ON THIRD READING.

No. 70. An act to incorporate the Evansville Medical Society, and to authorize said Medical Society to organize and establish a Medical College;

No. 172. An act to incorporate the Union Medical Society of Northern Indiana;

No. 231. An act for the relief of Benjamin Powell, and the heirs of Harrison Barnett, deceased;

No. 234. An act to amend an act, entitled, "An act to incorporate the city of Fort Wayne," &c.;

No. 240. An act providing for the erection of a road bridge on the Wabash and Erie canal;

No. 252. A bill for the relief of certain purchasers of school lands in Lost Creek township, in Vigo county;

No. 253. An act changing the name of Dobsonville, in Jefferson county, to that of Chambersburgh;

No. 254. An act authorizing John Howenstein, his heirs and assigns, to keep, maintain, and improve his mill, premises and appurtenances on the St. Mary's river, in Allen county;

No. 256. An act to repeal the 92d, 93d, and 94th sections of chapter 15, of the Revised Statutes of 1843, and to amend the law making it the duty of the county boards to examine the several funds at the March session;

No. 261. An act locating a State road in the counties of Fulton and Marshall;

No. 273. An act authorizing B. F. C. Lodge, late collector of Jefferson county, to collect arrearages of taxes;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

## BILLS ON SECOND READING.

No. 269. An act for the relief of purchasers of canal lands;

Was read a second time; when

Mr. Taber moved an amendment thereto;

Which was adopted.

And said bill ordered to be engrossed.

No. 270. A bill to assess a school tax in the counties of Adams and Jay;

No. 271. A bill to locate a State road in the counties of Ohio and Switzerland;

No. 277. A bill to prevent county auditors from practising as attorneys and counsellors at law in the county commissioners court;

Were each severally read a second time, and ordered to be engrossed.

No. 275. A bill relative to recording deeds and mortgages;

Was read a second time and referred to the judiciary committee.

No. 276. A bill in relation to the jurisdiction of justices of the peace;

Was read a second time, and referred to the judiciary committee.

Mr. Seawright moved to take from the table, bill

No. 263. A bill for the relief of Huldah Richardson of Clinton county;

Which motion prevailed.

The question being on the engrossment of the bill,

Messrs. Julian and Cameron demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Bowman, Cookerly, Cox, Davis, Dole, Ellis, Endecott, Fuller, Hazelrigg, Henry, Henton, Jackson, Jones, Kimberlin, Lanius, Lemmonds, Logan, McCormack, McDonald, Moore, Nofsinger, Osborn of Sullivan, Pennington, Riley, Rippey, Ruby, Seawright, Sleeth, Smith, Stapp, Taber, Thompson, Turner, Vandever, Watt, Webb, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—44.

*Those who voted in the negative are,*

Messrs. Blackwell, Brumfield, Burns, Cameron, Carr, Carnan, Chambers, Coffin, Coon, Cornelius, Dowling, Ferguson, Harvey, Herron, Hill, Hinchman, Huff, Julian, Kerr, Leyman, Legg, Lewis, McRae, Meeker, Mickle, Monroe, Mooney, Morrow, Nelson, Parker, Porter, Powers, Robinson, Secrest, Shanks, Slater, Snook, Stanfield, Stewart, Tedford, Tomlinson, Wise, and Yocum—43.

So said bill was ordered to be engrossed.

Mr. Pennington moved to take from the table bill of the Senate,

No. 65. A bill for the relief of Thomas Murphy;

Which motion prevailed.

The House then concurred in the amendment proposed by the committee on canals and internal improvements, and said bill was ordered to be engrossed.

Mr. Pennington, on leave granted, made the following report:

MR. SPEAKER:

The select committee, to whom was referred bill of the Senate, No. 43, "A bill in relation to taking up estrays," have had the same under consideration, and a majority of said committee have directed me to report the same to the House with the following amendment, and recommend its passage.

SEC. —. That the sixth section of the twenty-first chapter of the Revised Statutes of 1843 be so amended, that all property required by said section to be advertised in some newspaper published at the seat of government, shall, after the taking effect of this act, be published in some newspaper in the county where said stray property is taken up, and if there be no newspaper published in said county, then to be published in some newspaper published nearest thereto.

SEC. —. That so much of the said twenty-first chapter as contravenes the provisions of the above section, be and the same is hereby repealed.

The question being on concurring in the report and amendment of the committee,

Messrs. Pennington and Endecott demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Cameron, Chambers, Clymer, Conduit, Cookerly, Dowling, Ellis, Endecott, Ferguson, Ford, Hall of Gibson, Hazelrigg, Henry, Henton, Huff, Jackson, Jones, Kerr, Kimberlin, Legg, Lemmonds, McCormack, McDonald, McRae, Mickle, Morrow, Osborn of Laporte, Parker, Pennington, Porter, Powers, Robinson, Rousseau, Ruby, Sleeth, Stapp, Thompson, Watt, and Wise—39.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Burns, Carr, Coon, Cornelius, Cox, Cruikshank, Davis, Dole, Edwards, Fuller, Harvey, Herron, Hill, Hinchman, Julian, Lanius, Leyman, Lewis, Logan, Meeker, Monroe, Mooney, Moore, Nelson, Nofsinger, Osborn of Sullivan, Rippey, Seawright, Secrest, Shanks, Slater, Smith, Snook, Taber, Tomlinson, Turner, Vandever, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—48.

So said report was not concurred in.

Said bill was then ordered to a third reading.

On motion by Mr. Porter,

Bill of the House,

No. 122. A bill to provide for the election of township assessors, to define their duties, and for other purposes,

Was taken from the table; when,

On motion,

The following amendment was adopted :

Add to the 9th section " this act shall not apply to the counties of Washington, Owen, Rush and Dearborn."

Mr. Baker moved that the bill be laid upon the table ;

Which was adopted.

Mr. Julian obtained leave to make the following report :

MR. SPEAKER :

The select committee, to whom was referred No. 169. A bill incorporating the Hagerstown musical institute and an amendment thereto, have directed me to report the same back to the House and recommend its passage, with one amendment to the amendment already adopted by the House, as follows, to wit :

Add the following words at the end of said amendment—" in proportion to the amount of stock held by each : *Provided*, That the property and effects of said corporation shall first have been disposed of to satisfy the debts incurred or created by the corporation."

Which report and amendment was concurred in, and said bill ordered to be engrossed.

The following message was received from the Senate by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof :

No. 121. An act to establish a State road in Scott county ;

No. 120. An act to prohibit the county court of Scott county from levying a tax therein named ;

No. 111. An act establishing an additional place of holding elections in Bartholomew county ;

No. 36. An act to vacate part of a State road in Franklin county ;

No. 115. An act to repeal the corporation law so far as Lexington is concerned ;

No. 127. An act to vacate a certain alley in the town of Plymouth ;

No. 116. An act to authorize the people of Fayette and other counties therein named, to elect their seminary trustees ;

In each of which the concurrence of the House is respectfully requested ;

Also, the Senate have concurred in the amendment of the House of Representatives to bill of the Senate No. 15.



Bills numbered 121, 120, 111, 36, 115, 127 and 116, in the above message mentioned,

Were each severally read a first time and passed to a second reading.

The following message was received from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, without amendment :

No. 201. An act prescribing the mode of selecting petit jurors in Sullivan county ;

No. 195. An act to change the time of holding probate courts in the county of Pike ;

No. 191. An act authorizing the president and trustees of Lafayette to purchase and hold real estate, and for other purposes ;

No. 181. An act to remunerate justices of the peace of the county of Warrick for their services on the county board.

The following message was received from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House of Representatives :

No. 104. An act increasing the per diem allowance of grand and petit jurors, with two amendments ;

In which amendments of the Senate to said bill of the House, the concurrence of the House is very respectfully requested.

Also, the Senate have concurred in the amendment of the House of Representatives to a joint resolution of the Senate, No. 8.

The question being on concurring in the amendments of the Senate, in the above message mentioned,

Messrs. Secrest and Mickle demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Burns, Cameron, Carr, Carnan, Carter, Chambers, Clymer, Coffin, Cookerly, Coon, Cornelius, Cox, Cruikshank, Davis, Dole, Edwards, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Warren, Harvey, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Legg, Lemmonds, Lewis, Logan, Lowe,

McDonald, McRae, Meeker, Mickle, Monroe, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Powers, Riley, Rippey, Robinson, Rousseau, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Snook, Stanfield, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Turner, Vandever, Watt, Webb, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—86.

*Those who voted in the negative are,*

Messrs. Bowman, Conduit, Dowling, Hall of Gibson, Legg, Pennington, Porter, Webber, and Wilson of Marion—10.

So said amendments were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Pomeroy :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof :

No. 81. Entitled " An act to provide for the remuneration of Sylvester House of Syracuse, New York, for the arrest of Joseph Gould, a fugitive from justice from the State of Indiana, and for other purposes : "

In which the concurrence of the House is most respectfully requested.

Said bill was read a first, second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Aikin :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have passed the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed to the election of a superintendent on the New Albany and Vincennes McAdamised road on Tuesday next at 2 o'clock, P. M.

In which the concurrence of the House is respectfully requested.

Mr. Vandever moved that the House reciprocate said resolution : Which motion prevailed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion,

The House adjourned until to-morrow morning, at 9 o'clock.

## THURSDAY MORNING, DECEMBER 30, 1845.

The House met pursuant to adjournment.

### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Chambers,

A petition from sundry citizens of Davis and Jefferson counties, asking for a change in a certain road therein described;

Which was referred to a select committee of Messrs. Chambers, Davis, and Wise.

By Mr. Taber,

A petition asking for a consolidation of the land offices now at Peru and Delphi, at Logansport;

Which was referred to the committee on canals and internal improvements.

By Mr. Mickle,

A petition for the admission of certain testimony from people of color;

Which was referred to the judiciary committee.

By Mr. Slater,

A petition asking for a change in the law subjecting real and personal property to execution;

Which was referred to the committee on the judiciary.

By Mr. Rippey,

A petition from sundry citizens of Kosciusko county, praying that a change may be so made in the law as to allow the plaintiff in any suit to bring an action against the defendant in the township where he may be found, or where the debt was contracted;

Which was referred to the committee on the judiciary.

By Mr. Mickle,

A petition from sundry citizens of Adams, Jay, and Huntington counties, praying for a grant for slackwater navigation on certain streams therein described;

Which was referred to the committee on corporations.

By Mr. Conduit,

The petition of Elizabeth Preston, asking for relief;

Which was referred to a select committee of Messrs. Conduit, Brumfield, and Ford.

By Mr. Wilson of Marion,

A petition asking for a change of the State road leading from Greenfield to Eagle Village, through Allisonville;

Which was referred to a select committee of Messrs. Wilson of Marion, Henry, and Webber.

By Mr. Taber,

A petition from sundry citizens of Cass county, praying for the repeal of an act entitled, "An act to vacate a certain alley in the town of West Logan, and for other purposes," approved December 17, 1844:

Which was referred to a select committee of Messrs. Taber, Smith, and Slater.

Mr. McDonald made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill of the House, No. 262, entitled, "A bill explanatory of the act of the 30th January, 1842, relative to the Lawrenceburgh and Indianapolis Railroad Company," have had the same under consideration, and directed me to report the same back to the House and recommend its passage, and ask to be discharged from the further consideration thereof.

And said bill, No. 262, was,

On motion by Mr. Slater,

Laid upon the table.

Mr. Sleeth made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 251, entitled "An act for the relief of Alexander J. Line, of Wayne county," have had the same under consideration, and directed me to report the same back to the House without amendment, and respectfully recommend its passage, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

And said bill No. 251,

Was ordered to be engrossed for a third reading

Mr. Hall of Gibson, made the following report:

**MR. SPEAKER :**

The judiciary committee to whom was referred a bill of the House, No. 265, entitled "A bill limiting the commencement of actions for the recovery of real estate," have had the same under consideration, and have directed me to report the same back to the House with two amendments, to-wit: after the words "twenty-one years," in the proviso, add, "out of the United States," and after the word "insane," add the word "idiot," in which amendments I am instructed to ask the concurrence of the House, and to be discharged from the further consideration of the subject.

Which amendments of the committee were concurred in by the House,

And said bill No. 265,

Was ordered to be engrossed for a third reading.

Mr. Hall of Gibson, made the following report :

**MR. SPEAKER :**

The judiciary committee to whom was referred a bill of the House, No. 255, entitled "A bill in relation to evidence in cases where records have been destroyed by fire," have had the same under consideration, and believing that the provisions of the bill ought to become the law of the land, have instructed me to report the same back to the House and recommend its passage.

Said bill No. 255,

Was ordered to be engrossed for a third reading.

Mr. McDonald made the following report :

**MR. SPEAKER :**

The judiciary committee to whom was referred a bill of the House, No. 230, entitled "A bill to amend certain sections of the Revised Statutes of 1843, relative to publications of notices," have had the same under consideration, and directed me to report the same back to the House and recommend that it be indefinitely postponed, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Riley made the following report :

**MR. SPEAKER :**

The committee on the judiciary to whom was referred a bill of the House, No. 33, entitled "A bill to require plaintiffs to give se-



curity for costs in certain cases therein named," have had the same under consideration, and directed me to report the same back to the House, and respectfully recommend that it be laid on the table, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. McDonald made the following report:

MR. SPEAKER:

A majority of the judiciary committee, to whom was a referred bill of the House, No. 91, entitled "A bill abolishing capital punishment," together with sundry petitions of the citizens of this State praying the abolishment of capital punishment, have had the same under consideration, and have directed me to report them back to this House, and recommend the passage of the bill with one amendment, and ask to be discharged from the further consideration thereof.

Mr. Thompson moved that the bill with the amendment be laid upon the table;

Which motion prevailed.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the Senate, No. 62, entitled "An act to amend the laws now in force in this State regulating the duties of executors, administrators, and guardians," have had the same under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement.

Said bill, 62, was,

On motion,

Laid on the table.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 55, entitled "A bill relative to the issuing of executions," have had the same under consideration, and have made two amendments thereto, to-wit: in the first section after the words "the county," by inserting the words "in which the judgment was rendered or;" and in the fifth section, after the words "may reside," by inserting the words "or that the defendant is then a non-resident of the State,"

and have directed me to report said bill and amendments back to the House, and recommend its passage.

Which report and amendments of the committee were concurred in by the House.

Mr. Clements then moved to strike out the sixth section of the bill.

And on the passage of the motion,

Messrs. Clements and Moore demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Bowman, Carnan, Chambers, Clements, Conduit, Cookerly, Coon, Davis, Edwards, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Harvey, Hazelrigg, Henry, Henton, Herron, Huff, Jackson, Jones, Julian, Kimberlin, Lanius, Leyman, Logan, Lowe, McCormack, Mickle, Monroe, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Parker, Riley, Rousseau, Seawright, Secrest, Snook, Stapp, Tedford, Tomlinson, Turner, Vandever, Webber, Wilson of Marion, Wilson of Sullivan, Wise, and Yocum—52.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Cameron, Carr, Carter, Clymer, Coffin, Cornelius, Cox, Cruikshank, Ellis, Hall of Warren, Hill, Hinchman, Kerr, Legg, Lemmonds, Lewis, McDonald, McRae, Meeker, Mooney, Osborn of Laporte, Pennington, Porter, Powers, Rippey, Robinson, Ruby, Shanks, Slater, Sleeth, Smith, Stanfield, Stewart, Taber, Thompson, Watt, Webb, Wiley, Wilson of Noble, and Mr. Speaker—44.

So said section was stricken from the bill.

Mr. Osborn of Laporte, offered the following amendment:

SEC. 6. That if the sheriff or other proper officer who may have such execution to execute, shall fail or neglect to make a levy, and offer the property levied on for sale within three months from the time it may be received by such officer, such officer and his sureties shall be liable to the plaintiff or plaintiffs as for a false return: *Provided*, The defendant or defendants have property in the bailiwick of such officer, subject to execution.

Which amendment was adopted.

And bill No. 55, as amended,

Was ordered to be engrossed for a third reading.

Mr. Osborn of Laporte, made the following report:

**MR. SPEAKER:**

The committee on the judiciary to whom was referred bill of the House No. 137, have had that subject under consideration, and di-

rected me to report the same back to the House with an amendment, and when so amended, recommend its passage, and ask to be discharged from the further consideration thereof.

Said amendment is as follows:

Strike out the bill and insert the following [new bill.]

Mr. Rousseau moved to amend as follows:

"That such defendant, in answer to such interrogatories, shall be allowed to state under oath, as heretofore, all facts and matters pertaining to the matter in controversy; and such statement shall have the same force and effect as evidence as such statements heretofore had.

Mr. Baker moved that the bill and amendments be laid upon the table;

Which was adopted.

Mr. Osborn of Laporte, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 139, have considered the same, and directed me to report it back with the following amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

Mr. Secrest moved that the bill with the amendments be referred to a select committee;

Which motion prevailed.

Whereupon the Speaker appointed Messrs. Secrest, Cookerly, and Pennington said committee.

Mr. Osborn of Laporte, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 268, have considered the same, and directed me to report it back to the House without amendment, and recommend its passage, and said committee ask to be discharged from the further consideration thereof.

Which bill was amended,

On motion by Mr. Stapp,

And the bill as amended ordered to be engrossed for a third reading.

Mr. Osborn of Laporte, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 228, have considered the same, and directed me to report it

back to the House with two amendments, and recommend its passage, with such amendments; and said committee ask to be discharged from the further consideration thereof.

Said amendments are as follows:

Strike out the second item in said bill and insert the following:

"For letters of administration and guardianship and recording and filing the same, fifty cents.

"For letters testamentary or administration with the will annexed, ten cents for each one hundred words, and the like sum for filing and recording the same."

And add the following to the first section:

"For qualifying administrator, executor, guardian, or trustees, taking bond and writing certificate, fifty cents."

Which amendments were not adopted.

And said bill was,

On motion by Mr. Lowe,

Laid upon the table.

Mr. Sleeth made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 274, entitled "An act for the relief of purchasers of school lands in Fulton county," have had that subject under consideration, and directed me to report the bill back to the House, without amendment, and recommend its passage, and ask to be discharged.

Which report was concurred in.

And said bill, No. 274,

Was ordered to be engrossed for a third reading.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the petition of sundry citizens of Cass county, asking certain relief in regard to the time of payment of interest on canal lands, have had the same under consideration, and have directed me to report, that further separate legislation on that subject is unnecessary, as a bill is already before the legislature embracing the change asked for by the petitioners. I am directed, also, to ask that the committee be discharged from the further consideration of the subject.

Which report was concurred in.

Mr Logan made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House, No. 258, entitled, "A bill for the relief of Zera Sutherland," have had the same under consideration, and have instructed me to report the same back to the House, and ask its indefinite postponement.

Which report was concurred in.

Mr. Dowling made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House, No. 260, entitled, "A bill for the relief of James Vawter," have had the same under consideration, and have directed me to report the same back to the House, with one amendment, and recommend its passage.

Which amendment of the committee was adopted ;

And said bill, No. 260, as amended,

Ordered to be engrossed for a third reading.

Mr. Tedford, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared the following with the engrossed, and find them correctly enrolled :

No. 90. An act for the relief of Thomas Carrico, of Knox county ;

No. 121. An act to vacate a certain State road in Jefferson county.

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

The Speaker laid before the House a communication from the Auditor of State, in answer to a resolution of the House, calling upon him to communicate to this House "the amount of money advanced by the State under the law of 1835-'6, providing for a general system of internal improvement," on the various works therein named.

Which was,

On motion by Mr. Mickle,

Laid upon the table, and five hundred copies ordered to be printed.

Mr. Secrest made the following report :



MR. SPEAKER :

The select committee, to whom was referred bill of the House, No. 236, entitled, "A bill to amend the 10th article of the 40th chapter of the Revised Statutes of 1843," have had the said bill under consideration, and a majority of said committee have directed me to report said bill back to the House without amendment, and respectfully recommend its passage.

Said bill, No. 236,

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Mooney made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Causby M. Lewis, have, according to order, had the same under consideration, and have directed me to report that they have learned from the most reliable sources of information, that the facts stated in the petition are true. The case of Mr. Lewis is one of a peculiar character, and commends itself in the strongest terms to the sympathy of the General Assembly. The committee believing that the relief prayed for may be extended to the petitioner, without a violation of public policy or establishing an injurious precedent, have directed me to report the accompanying bill, and recommend its passage :

No. 286. A bill for the relief of Causby M. Lewis ;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Shanks made the following report :

MR. SPEAKER :

The select committee, to whom was referred a petition of citizens of Washington county, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage :

No. 287. A bill to change that part of the New Albany and Crawfordsville McAdamized road, which lies between Salem and New Albany, to a railroad to be constructed by a private company ;

Was read a first time ; and

On motion by Mr. Edwards, amended,

And said bill read again, and referred to the committee on canals and internal improvements.

Mr. Webber made the following report :

MR. SPEAKER :

The committee, to whom was referred the petition of John Burton, praying for a divorce, have had the same under consideration, and a majority of them have instructed me to report the following bill, and recommend its passage :

No. 288. A bill for the divorce of John Burton ;  
Was read a first time, and ordered to a second reading.  
Mr. Dowling made the following report :

MR. SPEAKER :

The select committee on printing, to whom was referred bill of the House, No. 233, entitled, "A bill repealing a certain act therein named," have had the same under consideration ; and the committee having already reported a bill embracing the provisions of bill, No. 233, I am directed to return the same to the House, and recommend that it be laid on the table, and ask to be discharged from the further consideration of the subject.

Which report was concurred in ; and  
Said bill, No. 233,  
Laid upon the table.  
Mr. Bowman made the following report :

MR. SPEAKER :

The select committee, to whom was referred a petition of sundry citizens of Montgomery and Fountain counties, praying for the location of a State road from Alamo, in Montgomery county, to Jacksonville, in Fountain county, have had the same under consideration, and have directed me to report the following bill and respectfully recommend its passage :

No. 289. An act establishing a State road in the counties of Montgomery and Fountain ;  
Was read a first time and ordered to a second reading ; and,  
On motion by Mr. Rousseau,  
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

On motion by Mr. Hazelrigg,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives instanter for the purpose of electing a superintendent on the New Albany and Vincennes turnpike road, and that seats be provided for them on the right of the Speaker's chair.

*Ordered*, That the Clerk inform the Senate thereof.

Whereupon, the Senate came into the Hall of the House of Representatives and took their seats on the right of the Speaker's chair; and both Houses jointly proceeded, by ballot, to the election of a superintendent of the New Albany and Vincennes road; Messrs. Davis and Chapman of Laporte acting as tellers on the part of the Senate, and Messrs. Hazelrigg and Slater on the part of the House.

When, on counting the votes cast on the first ballot, it appeared that,

John Frazier received	-	-	-	-	-	-	95 votes.
Jonathan R. Brown received	-	-	-	-	-	-	41 votes.
Scattering,	-	-	-	-	-	-	9 votes.

John Frazier having received a majority of all the votes given, was, by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected superintendent of the New Albany and Vincennes road, to serve as such for the term of two years from and after the expiration of the term of service of the present incumbent.

The President of the Senate adjourned the convention, *sine die*.

The Senate then retired to their chamber.

The following message was received from the Governor, by Mr. Powers, his private secretary :

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House of Representatives that on the 30th day of December, 1845, he approved and signed,

No. 159. An act to dissolve the bonds of matrimony existing between Nancy Casto and Jonathan Casto ;

No. 132. An act to legalize the election of Russell Mitchell, a justice of the peace in Pleasant Run township, Lawrence county, and for other purposes ;

No. 96. An act for the relief of John Drummons ;

No. 94. An act to change the mode of appointing examiners of common school teachers in Orange county ;

No. 29. An act to restrict the operation of an act, entitled, "An act relative to the appointment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845;

No. 107. An act to change the mode of districting hands to perform labor on public roads in Orange county;

No. 147. An act in relation to the sale of saline lands in Orange county;

No. 13. An act to extend the times of holding probate courts in the counties of Jackson and Greene;

No. 22. An act to change the time of holding probate courts in Dubois county;

No. 104. An act to change the name of Edward C. Hawkins and Edward Musseth;

No. 74. An act to alter the width of the State road from Connersville to St. Omer;

No. 97. An act to locate a State road in Tippecanoe county;

No. 80. An act to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller;

No. 41. An act for the relief of Joseph Carpenter;

No. 98. An act to vacate part of the addition to the town of Plymouth, in Marshall county;

No. 108. An act to incorporate a military company, called the Terre Haute Greys;

No. 17. An act for the relief of the heirs of William Pinnick, deceased, of Orange county;

No. 75. An act to dissolve the bonds of matrimony existing between Leonard Crawford and Frances Crawford, of Vigo county, Indiana;

No. 100. A bill to amend an act entitled "An act to change the time of holding the probate court in the county of Martin," approved January 13, 1845;

No. 54. An act to change the time of holding the probate courts in the counties of Perry and Harrison;

No. 160. An act authorizing the county board of St. Joseph county to employ a physician for the poor;

No. 40. An act for the relief of certain purchasers of school lands in Vanderburgh county, therein named;

No. 113. An act to change the time of holding circuit court in the county of Adams;

All of which originated in the House of Representatives.

Mr. Clymer, on leave granted, made the following report:

MR. SPEAKER:

The select committee, that was appointed for the purpose of dis-

tricting the State into senatorial and representative districts, have had that subject under consideration, and a majority have directed me to report the following bill, and ask to be discharged from the further consideration of the subject :

No. 290. A bill to apportion senators and representatives for the next five years ;

Which was read a first and second times, the rules being suspended, and laid upon the table ;

And two hundred and fifty copies ordered to be printed for the use of the House.

#### SENATE BILLS ON THIRD READING.

No. 43. A bill in relation to taking up estrays ;  
Was read a third time.

Mr. Blackwell moved to recommit the bill, with the following instructions :

“ Amend so that the justice shall have ten days to make his return to the clerk ; ”

Which was not adopted.

The bill was then passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 65. A bill for the relief of Thomas Murphey ;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

House bill,

No. 263. A bill for the relief of Huldah Richardson of Clinton county ;

Was read a third time ; when

Messrs. Julian and Coffin demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Bowman, Clymer, Cookerly, Cox, Davis, Dole, Ellis, Endecott, Fuller, Hall of Warren, Hazlerigg, Henry, Henton, Jackson, Jones, Kimberlin, Lanius, Lemmonds, Logan, Lowe, McCormack, McDonald, Moore, Nofsinger, Osborn of Sullivan, Pennington, Riley, Rippey, Ruby, Seawright, Sleeth, Smith, Stapp, Thompson, Turner, Vandever, Webb, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—42.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Burns, Cameron, Carr, Carnan, Chambers, Clements, Coffin, Conduit, Coon, Cornelius, Edwards, Harvey, Herron, Hill, Hinchman, Huff, Julian, Kerr, Leyman, Legg, Lewis, McRae, Meeker, Mickle, Monroe, Mooney,



Nelson, Parker, Porter, Powers, Robinson, Secrest, Shanks, Slater, Stewart, Tedford, Tomlinson, Wiley, Wise' and Yocum—44.

So said bill did not pass.

#### HOUSE BILLS ON THIRD READING.

No. 169. A bill to incorporate the Hagerstown Musical Institute;

No. 269. A bill for the relief of purchasers of canal lands;

No. 270. A bill to assess a school tax in the counties of Adams and Jay;

No. 271. A bill to locate a State road in the counties of Ohio and Switzerland;

No. 277. A bill to prevent county auditors from practising as Attorneys and Counsellors at law, in the county commissioner's court;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### BILLS ON SECOND READING.

No. 278. A bill to provide for the election of county surveyors in Fulton and Marshall counties;

No. 279. A bill for the relief of Sarah Wallace;

No. 280. A joint resolution in relation to the public lands in the Vincennes district, in the State of Indiana;

Were each severally read a second time, and ordered to be engrossed.

#### SENATE BILLS ON SECOND READING.

No. 36. A bill to vacate part of a State road in Franklin county;

No. 111. A bill establishing an additional place of holding elections in Bartholomew county;

No. 115. A bill to repeal the corporation law, so far as Lexington is concerned;

No. 120. A bill to prohibit the county court of Scott county from levying a tax therein named;

No. 121. A bill to establish a State road in Scott county;

No. 127. A bill to vacate a certain alley in the town of Plymouth;

Were each severally read a second time, and ordered to a third reading.

No. 116. A bill to authorize the people of Fayette and other counties therein named to elect their seminary trustees,

Was read a second time,

On motion by Mr. Vandever,

Said bill was amended by adding the county of "Orange."

On motion by Mr. Mickie,  
 The counties of Adams and Jay were added to said bill,  
 And the bill passed to a third reading.  
 The House then resumed the consideration of bill No. 176,  
 A bill for the relief of Wabash Manual Labor College, and Teacher's Seminary.

The question pending, was,  
 Mr. Seawright's amendment to the instructions.  
 Mr. Cookerly demanded the previous question,  
 Which was seconded.

The question being,  
 "Shall the main question be now put?"  
 It was decided in the affirmative.

The main question being,  
 "Shall the bill pass?"

Messrs. Davis and Riley demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Bowman, Burns, Carnan, Clements, Cookerly, Cornelius, Dole, Dowling, Ellis, Ferguson, Hall of Gibson, Hall of Warren, Harvey, Hazlerigg, Herron, Hill, Julian, Kerr, Leyman, Lowe, McCormack, Nelson, Osborn of Laporte, Pennington, Porter, Rousseau, Seawright, Secrest, Smith, Snook, Stanfield, Stapp, Stewart, Tomlinson, Webb, Wise, and Mr. Speaker—39.

*Those who voted in the negative are,*

Messrs. Arnold, Brumfield, Carr, Carter, Chambers, Clymer, Coffin, Conduit, Coon, Cox, Cruikshank, Davis, Endecott, Ford, Fuller, Henry, Henton, Hinchman, Huff, Jackson, Jones, Kimberlin, Lanius, Légg, Lemmonds, Lewis, Logan, McDonald, McRae, Meeker, Mickie, Monroe, Mooney, Moore, Morrow, Osborn of Sullivan, Powers, Riley, Rippey, Robinson, Ruby, Shanks, Slater, Sleeth, Tedford, Thompson, Turner, Vandever, Watt, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, and Yocum—54.

So said bill did not pass.

Mr. Wilson of Marion asked leave of absence,  
 Which was granted.

On motion by Mr. Stapp,  
 The following message was taken up.

**MR. SPEAKER :**

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof.

No. 145. An act changing the venue in the case of the State against Silas Doty, from Allen county, in the 12th judicial circuit, to Elkhart county, in the 9th judicial circuit of Indiana;

In which the concurrence of the House is respectfully requested. And said bill No. 145, was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The following message was received from the Governor, by Mr. Powers, his private secretary.

MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the House of Representatives that he has this day approved and signed;

No. 121. "An act to vacate a certain State road in Jefferson county;"

Which originated in the House of Representatives, December 30, 1845.

On motion,

Mr. Wiley was added to the select committee, in place of Mr. Pennington, excused.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DECEMBER 31, 1845.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Auditor of State, containing the answers of a number of treasurers in different counties of this State, in answer to a circular addressed to them by order of the House,

Which was,

On motion by Mr. Baker,

Laid upon the table.

Mr. Meeker moved to take from the table the following resolution of the Senate.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following resolution, in which the concurrence of the House is respectfully requested:

*Resolved*, That the Senate will, the House concurring therein, proceed on Friday, the 19th inst., at 2 o'clock, P. M., to elect two directors of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of the Honorable Abel C. Pepper, and to fill the vacancy occasioned by the expiration of the term of service of Jacob Walker, Esq.

Which was adopted.

And the resolution then amended by striking out "Friday," and inserting "to-day at 2 o'clock."

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Moore made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution of the House directing them to inquire into the expediency and propriety of passing a law making verbal contracts for rent as binding on the parties as a written one, have had the subject matter under their consideration, and have directed me to report the following bill and recommend its passage.

No. 291. A bill more fully defining the rights of landlord and tenant;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Hazlerigg, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Jacob Jones, sen., of Boone county, and sundry other citizens, have had that matter under consideration, and from the evidence before them, they find that said Jones did, in the fall of the year 1842, build a good and substantial bridge on the Michigan road, in said county, across a wet prairie, which, for a large portion of the year, was almost impassable, to the great hindrance and inconvenience of the travelling community, and that there was no way of getting around said slough or wet prairie at a less distance than from one to two miles, and that after the way round was travelled a while it was very little better than the main road. They further find that said bridge was twenty rods in length and twenty feet in width, constructed of large hewed timber, ten inches in thickness and from ten

to eighteen inches in width, laid on large and substantial hewed sills, which sills were laid on other large cross mud sills so as to raise said bridge entirely above the water at any time. The committee further find that said Jones expended one hundred and fifty dollars in the construction of said bridge, besides his own work and that of his teams, and the boarding of the hands while constructing the same. The committee have therefore directed me to report the following bill, and respectfully recommend its passage, and ask to be discharged from the further consideration of the same:

No. 292. An act for the relief of Jacob Jones, sen. ;  
 Was read a first time, and ordered to a second reading.  
 Mr. Hazelrigg made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition of Nicholas McCarty praying the passage of an act granting the privilege to construct a mill dam across White river, have had the subject under consideration, and a majority have instructed me to report the following bill, and recommend its passage:

No. 293. An act to authorize Nicholas McCarty to build a mill dam across White river, in Marion county ;  
 Was read a first time, and ordered to a second reading.  
 Mr. Wilson of Noble, made the following report:

MR. SPEAKER :

The select committee, to whom was referred bill No. 51, entitled "A bill for the permanent location of the seat of justice of Noble county," have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Burns made the following report:

MR. SPEAKER :

The select committee to whom was referred a petition of sundry citizens of the town of Vevay, county of Switzerland, praying the passage of an act to amend and reduce into one the several acts relating to the corporation of the town of Vevay, have had the same under consideration, and instructed me to report the following bill, and respectfully recommend its passage:



No. 294. An act to amend and reduce into one the several acts relating to the corporation of the town of Vevay;

Was read a first time, and ordered to a second reading.

Mr. Jones made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of sundry citizens of New Albany, have had the same under consideration, and directed me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration of that subject:

No. 295. An act to amend an act incorporating the city of New Albany, approved February 14, 1839;

Was read a first time, and ordered to a second reading.

Mr. Henton made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Miami county, praying the location of a State road from Peru to Andersonstown, have had the same under consideration, and have directed me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration thereof;

No. 296. An act to locate a State road in the counties of Miami and Madison;

Was read a first time, and ordered to a second reading.

Mr. Henry made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Hancock county, praying for a charter for a railroad therein named, have had the same under consideration, and directed me to report the following bill, and respectfully recommend its passage:

No. 297. A bill to incorporate the Pendleton and Shelbyville railroad company;

Was read a first time, and ordered to a second reading.

Mr. Conduit made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Eliza-

beth Preston, asking to be divorced from her husband, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 298. A bill for the relief of Elizabeth Preston;  
Was read a first time, and ordered to a second reading.  
Mr. Kimberlin made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Susan Whealey, of the county of Hamilton and State of Indiana, praying for the dissolution of the bonds of matrimony between herself and her husband, Napoleon B. Whealey, have had the same under consideration, and directed me to report favorably, and respectfully ask the concurrence of the House therein:

No. 299. An act for the relief of Susan Whealey, of Hamilton county;

Was read a first time, and ordered to a second reading.

On motion by Mr. Leyman,

WHEREAS, By the 26th section of the charter of the State Bank of the State of Indiana, there is reserved to the Legislature the right of appointing an agent to examine said bank and branches:

AND WHEREAS, the supervision and guardian care contemplated by such reserved right in the Legislature, is necessary to a sound and healthy condition and safe conducting of business to such bank, and the people:

AND WHEREAS, at a time when banking institutions are in the best credit, that credit is of itself a temptation to its abuse, as the history of the past in numerous instances prove; therefore,

*Resolved*, That the committee on corporations be and they are hereby instructed to enquire into the expediency of appointing an agent for such purpose, and of providing such agent with powers and instructions to carry out the intention of such provision in said bank charter, and making it the duty of such agent after making such examination, to report to the next Legislature.

On motion by Mr. Watt,

*Resolved*, That the committee on education be instructed to enquire into the expediency and necessity of amending section 129, 130, and 131, of chapter 15, of the Revised Statutes of 1843, so as to point out the manner of taking appeals provided for by said sections.

On motion by Mr. Baker,

*Resolved*, That the Governor be requested to communicate to this House, a report of the doings of the examiners appointed by him to select and classify the lands granted by Congress to the State of Indiana, the better to enable said State to complete the Wabash and Erie

canal from Terre Haute to Evansville, and also the accounts of said examiners for their services in making said selections.

Mr. Davis offered the following resolution :

*Resolved*, That this House will adjourn, *sine die*, on Monday, the 19th day of January, 1846, the Senate concurring therein.

Mr. Rousseau offered the following as an amendment to the resolution :

That this House will adjourn, the Senate concurring therein, when it shall no longer have business of importance before it ; so that the people may know that we are legislating for the general good, and not for three dollars per day—and that we are willing to legislate for \$1 50 per day, if the interest of the people demand it.

Which resolution, with the amendment, was,

On motion by Mr. Monroe,

Laid upon the table.

On motion by Mr. Blackwell,

*Resolved*, That the committee on the judiciary be instructed to examine the laws regulating the duties of justices of the peace, and see whether there is any law by which justices can compel the attendance of jurors and arbitrators, and if not, to report a bill on that subject.

On motion by Mr. Julian,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of enacting a law by which in prosecutions before justices of the peace, the attendance of witnesses not resident in the county where the prosecution is instituted, may be served, with leave to report by bill or otherwise.

On motion by Mr. Rippey,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the 27th section of the 8th article of the Revised Statutes of 1843, as to restrict the county commissioners in making allowances to sheriffs and other county officers for extra services, with leave to report by bill or otherwise.

On motion by Mr. Webber,

*Resolved*, That the committee appointed to enquire into the condition of the sinking fund, be instructed to enquire into the expediency of appointing an agent to examine into the management of said fund.

#### BILLS INTRODUCED.

By Mr. Turner,

No. 300. A bill concerning road tax in the county of Wells ;

By Mr. Stanfield,

No. 301. An act authorizing the State Bank of Indiana to issue notes of less denomination than five dollars, and for other purposes ;

By Mr. Secrest,

No. 302. A bill to vacate the town of Blakesburgh, in Putnam county;

By Mr. Lemmonds,

No. 304. A bill relative to printing the school laws in the German language;

By Mr. Baker,

No. 305. A bill for the relief of Robert Stockwell, of Gibson county;

By Mr. Moore,

No. 306. An act for the relief of Eliza Ann Storm, of Marion county;

By Mr. Smith,

No. 307. An act to amend the 4th article, chapter 7, of the Revised Statutes of 1843, and for other purposes;

By Mr. Parker,

No. 308. An act legalizing the acts of certain justices of the peace in Allen county;

By Mr. Taber,

No. 310. An act in relation to the granting of tavern licenses in the county of Cass;

By Mr. Taber,

No. 311. An act amendatory of the 3d article of the 16th chapter, section 90, of the Revised Statutes of 1843;

By Mr. Slater,

No. 312. An act declaratory of an act herein referred to;

By Mr. Baker,

No. 313. A bill for the relief of Martha Jane Van Dusen, of Vanderburgh county;

Were each read a first time, and ordered to a second reading.

By Mr. Monroe,

No. 303. A bill to require plaintiffs, in Washington county, to give security for costs in certain cases therein named;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Monroe, Tedford, and Snook.

By Mr. Baker,

No. 309. A bill relative to the collection of road tax, and to amend sections 105 and 106 of chapter 16, of the Revised Statutes of 1843;

Was read a first and second times, the rules being suspended, and referred to the committee on roads.

Mr. Osborn of Laporte, on leave granted, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 4, have considered the same, and directed me to report it back without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof:

No. 4. A bill for the relief of David Stone, and others; was,

On motion,

Considered as engrossed;

Read a third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The House then proceeded to act upon the messages of the Senate.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills thereof:

No. 133. An act for the relief of Isaac Cowan and George Coonrod, of Pike county;

No. 139. An act to provide for the erection of a monument on the Tippecanoe battle ground;

No. 135. An act to amend an act to incorporate the Lawrenceburgh and Harrison turnpike company, approved February 6, 1836;

No. 73. An act to incorporate the Peru and Indianapolis railroad company;

No. 132. An act for the leveeing Shaker Prairie, on the Wabash river;

In which the concurrence of the House is respectfully requested.

Bill No. 133, in said message mentioned,

Was read a first and second times, the rules being suspended, and amended by striking out the word "five," where it occurs, and inserting the word "three" in its place, and referred to the committee on ways and means.

Bills Nos. 135 and 73, in said message mentioned,

Were read a first time, and ordered to a second reading.

No. 132 was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Carnan, Edwards, Clements, and Wilson of Sullivan.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 208. An act to repeal in part an act entitled "An act to provide for summoning grand and petit jurors in Decatur and Warren counties," approved January 15, 1845.

No. 187. An act in relation to the fees of Recorder and Auditor, in the counties of Jackson, Adams, and Jay.



No. 116. An act to authorize trustees of congressional townships No. 28 north, of range 12 east, in Wells county, to lay off a town.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 123. An act to amend an act entitled "An act to provide for erecting a bridge across Laughery creek in Ripley county," approved January 8th, 1845;

Said bill was read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, with amendments:

No. 244. An act to authorize William M. Pugh and Willis Hodges to substitute their notes for that of Otis and William Page;

No. 114. An act to repeal an act providing for the opening and repairing roads, highways, and streams in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, so far as relates to Bartholomew county;

In which amendments of the Senate to said bills of the House, Nos. 114 and 244, the concurrence of the House is respectfully requested.

And the House concurred in the said amendments of the Senate to the bills of the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 118. An act to incorporate the Wabash navigation company;

No. 134. An act vacating a part of Howard street and certain alleys in West Richmond;

No. 22. An act for the relief settlers on the Wabash and Erie canal lands;

No. 136. An act to amend an act to incorporate the "Indiana

church," approved December 7th, 1810, and an act amendatory thereto, approved January 22d, 1818;

No. 118, in said message mentioned,

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Carnan, Dowling, Dole, Kerr, Wilson of Sullivan, Hall of Gibson, and Endecott.

Nos. 134, 22, and 136,

Were each read a first time and ordered to a second reading.

On motion,

Mr. Nofsinger was excused attendance in the House.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof;

No. 112. An act to incorporate Port Fulton, in Clark county;

No. 119. An act to provide for the continuation of the Madison and Indianapolis railroad to Pendleton, Huntsville, and Anderson-town;

In which the concurrence of the House of Representatives is respectfully requested.

Nos. 112 and 119, in said message mentioned,

Were each read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 146. A bill changing the venue in the case of the State against Silas Doty from Allen county, in the 12th judicial circuit, to Elkhart county, in the 9th judicial circuit of Indiana;

In which the concurrence of the House of Representatives is most respectfully requested.

Said bill was read three several times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate has concurred in the amendment of the House

to a resolution of the Senate, in relation to the election of two bank directors, to fill the vacancy occasioned by the resignation of Abel C. Pepper, and the expiration of the term of service of Jacob Walker.

Mr. Seawright moved to take from the table, bill of the Senate, No. 66. An act to extend further time to borrowers of the sinking fund ;

Which motion prevailed.

Which was amended,

On motion by Mr. Seawright,

As follows:—By inserting after the words, “sinking fund,” surplus revenue, saline, college, and school funds ;

Also, amend in the title, as follows:—after the words “sinking fund,” and other trust funds ;

The bill was then read a second time, considered as engrossed, the rules suspended, and passed.

*Ordered,* That the Clerk inform the Senate thereof.

#### ORDERS OF THE DAY.

##### SENATE BILLS ON THIRD READING.

No. 36. An act to vacate part of a State road in Franklin county ;

No. 111. An act establishing an additional place of holding elections in Bartholomew county ;

No. 115. An act to repeal the corporation law so far as Lexington is concerned ;

No. 116. An act to authorize the people of Fayette and other counties therein named, to elect their seminary trustees ;

No. 120. An act to prohibit the county court of Scott county from levying a tax therein named ;

No. 121. An act to establish a State road in Scott county ;

No. 127. An act to vacate a certain alley in the town of Plymouth ;

Were each read a third time and passed.

*Ordered,* That the Clerk inform the Senate thereof.

##### HOUSE BILLS ON THIRD READING.

No. 55. An act relative to the issuing of executions ;

No. 251. An act for the relief of Alexander J. Line, of Wayne county ;

No. 255. An act in relation to evidence in cases where records have been destroyed by fire ;

No. 260. An act for the relief of James Vawter ;

No. 265. An act limiting the commencement of actions for the recovery of real estate;

Which was amended in the title, as follows:

“An act limiting the time within which actions for the recovery of real estate shall be commenced.”

No. 268. An act relative to the duties of county recorder;

Which was amended by the third section being stricken from the bill.

No. 274. An act for the relief of purchasers of school lands in Fulton county;

No. 278. An act to provide for the election of county surveyors in Fulton and Marshall counties;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 279. An act for the relief of Sarah Wallace;

Was read a third time;

And on the question of its passage,

Messrs. Julian and Coffin demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Bowman, Burns, Chambers, Cookerly, Coon, Davis, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Hazelrigg, Henry, Henton, Huff, Jackson, Jones, Kimberlin, Lanius, Lemmonds, Logan, Lowe, McCormack, McDonald, Monroe, Moore, Osborn of Laporte, Pennington, Riley, Rippey, Ruby, Seawright, Sleeth, Smith, Snook, Stapp, Thompson, Turner, Vandever, Webb, Webber, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—  
47.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Cameron, Carr, Carnan, Clements, Coffin, Cornelius, Cruikshank, Dowling, Edwards, Harvey, Herron, Hinchman, Julian, Kerr, Leyman, Legg, Lewis, McRae, Meeker, Mooney, Morrow, Nelson, Parker, Porter, Robinson, Secrest, Slater, Stanfield, Stewart, Tedford, Tomlinson, and Wiley—36.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 280. A joint resolution in relation to the public lands in the Vincennes district in the State of Indiana;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 289. An act establishing a State road in the counties of Montgomery and Fountain;

Was read a second time, and ordered to be engrossed for a third reading.

No. 288. A bill for the divorce of John Burton ;

Was read, and on the question of its engrossment, it was lost.

The following message was received from his Excellency, the Governor, by his Private Secretary, Mr. Powers :

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House of Representatives, that on the 22d day of December, 1845, he approved and signed

No. 48. An act for the relief of Victor Belen, and Lambert Holder ;

Which originated in the House of Representatives.

Mr. Baker moved to take from the table, bill

No. 91. An act abolishing capital punishment ;

Which was adopted ;

And the question being on concurring in the amendment of the committee,

Mr. Cookerly offered the following as an amendment to the amendment :

“ And solitary confinement for any term of time in the discretion of the jury trying the same.”

Pending which,

On motion,

The House adjourned till 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met.

Mr. Stapp moved a call of the House,

Which was ordered,

And after some time spent therein, the further call was,

On motion,

Suspended.

On motion by Mr. Stapp,

*Resolved*, That the Clerk inform the Senate, that the House are now ready to proceed with closed doors, to the election of bank directors ; and first to fill the vacancy occasioned by the resignation of Abel C. Pepper.

The following message was received from the Senate, by Mr. Gorman, their Secretary :



MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate are now ready to proceed with closed doors to the election of bank directors.

The House then proceeded with closed doors to the election of a bank director to fill the vacancy occasioned by the resignation of Abel C. Pepper.

Messrs. Meeker and Lanius acting as tellers.

On counting the first ballot, it appeared that,

Omer Tousey, received,	-	-	-	-	7 votes.
Isaac Dunn, received,	-	-	-	-	14 votes.
John F. Carr, received,	-	-	-	-	40 votes.
Samuel C. Dunn, received,	-	-	-	-	20 votes.
Samuel Wilson, received,	-	-	-	-	8 votes.
George Hibben, received,	-	-	-	-	2 votes.
Gilbert Hathaway, received,	-	-	-	-	3 votes.
Pinckney James, received,	-	-	-	-	1 vote.
Scattering,	-	-	-	-	2 votes.

No person having received a majority of all the votes, the House proceeded to a second ballot;

When on counting the votes, it appeared that,

John F. Carr, received,	-	-	-	-	46 votes.
Samuel C. Dunn, received,	-	-	-	-	31 votes.
Isaac Dunn, received,	-	-	-	-	10 votes.
Omer Tousey, received,	-	-	-	-	4 votes.
J. P. Chapman, received,	-	-	-	-	1 vote.
Gilbert Hathaway, received,	-	-	-	-	2 votes.
Pinckney James, received,	-	-	-	-	1 vote.
Blank,	-	-	-	-	2 votes.

No person having received a majority of all the votes given, the House then proceeded to a third ballot;

When on counting the votes, it appeared that,

John F. Carr, received,	-	-	-	-	53 votes.
Samuel C. Dunn, received,	-	-	-	-	32 votes.
Isaac Dunn, received,	-	-	-	-	8 votes.
Scattering,	-	-	-	-	4 votes.

John F. Carr, having received a majority of all the votes given, was by the Speaker declared duly elected on the part of the House, to serve as director of the State bank of Indiana, for and during the unexpired term of service of Abel C. Pepper, resigned.

*Ordered*, That the Clerk inform the Senate thereof, by a sealed message.

The following message was received from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to deliver to the House of Representatives the following sealed message, in relation to the election of bank director of the State Bank of Indiana.

The following is the sealed message referred to, in the above.

MR. SPEAKER:

I am instructed by the Senate to deliver to the House of Representatives, the accompanying sealed message, in relation to the election of directors of the State Bank of Indiana.

In the Senate on the 3d ballot, Isaac Dunn having received a majority of all the votes given, was declared duly elected bank director on the part of the Senate, to fill the vacancy occasioned by the resignation of Abel C. Pepper.

W. A. GORMAN,  
*Secretary of the Senate.*

The two Houses having failed to elect, the House proceeded to a fourth ballot;

When on counting the votes it appeared that,

John F. Carr, received,	-	-	-	-	-	47 votes.
Isaac Dunn, received,	-	-	-	-	-	44 votes.
Scattering,	-	-	-	-	-	4 votes.

No person having received a majority of all the votes given, the House proceeded to a fifth ballot;

When on counting the votes,

John F. Carr, received,	-	-	-	-	-	48 votes.
Isaac Dunn, received,	-	-	-	-	-	47 votes.
Blank,	-	-	-	-	-	1 vote.

No person having received a majority of all the votes given, the House proceeded to a sixth ballot;

When on counting the votes,

John F. Carr, received,	-	-	-	-	-	50 votes.
Isaac Dunn, received,	-	-	-	-	-	47 votes.

John F. Carr, having received a majority of all the votes given, was, by the Speaker, declared duly elected on the part of the House, to serve as director of the State Bank of Indiana, for and during the unexpired term of service of Abel C. Pepper, resigned.

*Ordered*, That the Clerk inform the Senate thereof, by a sealed message.

The following message was received from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to deliver to the House of Representatives, the accompanying sealed message, in relation to the election of bank director of the State Bank of Indiana.

The following is the sealed message above referred to.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that at an election by the Senate in pursuance of a resolution of the Senate and House, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of the Hon. Abel C. Pepper, with closed doors, John F. Carr received a majority of all the votes given in the Senate, and was declared duly elected on the part of the Senate, to serve as such for the unexpired term of time of Abel C. Pepper, resigned.

WILLIS A. GORMAN,

*Secretary of the Senate.*

The House then proceeded, with closed doors, to the election of a Bank director, to fill the vacancy occasioned by the expiration of the term of service of Jacob Walker.

On counting the first ballot, it appeared that

Jacob Walker, received,	-	-	-	-	-	65 votes.
Gilbert Hathaway, received,	-	-	-	-	-	24 votes.
Scattering,	-	-	-	-	-	7 votes.

Jacob Walker having received a majority of all the votes given, was by the Speaker declared duly elected on the part of the House, to serve as director of the State Bank of Indiana, for and during the term of four years from and after the expiration of his present term of service.

*Ordered*, That the Clerk inform the Senate thereof by a sealed message.

The following message was received from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER :

I am directed by the Senate to deliver to the House of Representatives, the following sealed message in relation to Bank Director of the State Bank of Indiana.

The following is the sealed message referred to above.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that on the first ballot for Bank Director to fill the vacancy occasioned by the expiration of the term of service of Jacob Walker, it appeared that Jacob Walker received a majority of all the votes given ; Jacob Walker was declared duly elected Bank Director for the State Bank of Indiana for the term of four years from and after the expiration of his present term.

W. A. GORMAN,  
*Secretary of the Senate.*

On motion,  
The House adjourned until to-morrow morning, at 9 o'clock.

#### THURSDAY MORNING, JANUARY 1, 1846.

The House met pursuant to adjournment.

Mr. Vandever moved a call of the House ;

Which was seconded ;

After some time spent therein,

The further call was suspended.

The rules being suspended therefor,

Mr. Fuller offered the following resolution :

*Resolved*, That when this House adjourn, it will adjourn to meet to-morrow morning, 9 o'clock, A. M.

Which was adopted.

Mr. Fuller then moved that the House adjourn.

On which motion,

Messrs. Moore and Thompson demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Cookerly, Coon,

Davis, Dole, Fuller, Lowe, McDonald, Mooney, Porter, Rousseau, Ruby, Secrest, Slater, Sleeth, Stanfield, Vandever, and Watt—21.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Burns, Carr, Carnan, Chambers, Clements, Clymer, Conduit, Cornelius, Cruikshank, Edwards, Ellis, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, Huff, Jackson, Jones, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Logan, McCormack, McRae, Meeker, Mickle, Monroe, Moore, Morrow, Nelson, Osborn of Sullivan, Parker, Pennington, Powers, Riley, Rippey, Robinson, Seawright, Shanks, Smith, Snook, Stapp, Stewart, Tedford, Thompson, Tomlinson, Turner, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—64.

So the House did not adjourn.

The question pending before the House yesterday, at the adjournment in the forenoon, was on concurring in the report of the committee to bill of the House, No. 91, with the amendment of the committee, as amended by Mr. Cookerly.

Mr. Harvey moved to recommit the bill to the judiciary committee with the following instructions :

“So amend as to punish capitally, or by solitary confinement in the State prison at hard labor during life, at the discretion of the jury trying the cause.”

Mr. Cookerly moved that the bill, with the amendments, be referred to the House as a committee of the whole, and make it the special order of the day for Saturday next, at 10 o'clock, A. M.

Which motion prevailed.

#### PETITIONS, &c. PRESENTED.

By Mr. Harvey,

A remonstrance from certain citizens of Hendricks, against the taking of a certain portion of that county and attaching it to the county of Marion;

Which was referred to the select committee who have that matter under consideration.

By Mr. Moore,

The petition of sundry citizens of Owen county, praying the passage of an act for the relief of Allen Wilson;

Which was referred to a select committee of Messrs. Moore, Chambers, and Parker.

By Mr. Cruikshank,

A petition for a change of the militia laws of this State;

Which was referred to the committee on military affairs.

By Mr. Tedford,



A petition from sundry citizens of Carroll county, praying the passage of an act for the relief of John S. Thomas;

Which was referred to a select committee of Messrs. Tedford, Snook, and Kerr.

By Mr. Henry,

The petition of Mary Johnson, asking for a divorce ;

Which was referred to a select committee of Messrs. Henry, Cruikshank, and Riley.

By Mr. Henry,

The petition of certain citizens of Hancock county, asking for relief in regard to certain school privileges;

Which was referred to a select committee of Messrs. Henry, Stapp, and Henton.

By Mr. Henry,

The petition of Mary Ann Banks, asking for a divorce ;

Which was referred to a select committee of Messrs. Henry, Monroe, and Vandever.

By Mr. Mickel,

A petition for the appropriation of a certain road tax in Jay county;

Which was referred to a select committee of Messrs. Mickel, Arnold, and Shanks.

By Mr. Rousseau,

A petition from certain freeholders of the county of Greene, asking that a certain road therein described may be vacated ;

Which was referred to a select committee of Messrs. Rousseau, Ford, and Conduit.

By Mr. Rousseau,

A petition from certain citizens of the county of Greene, for certain purposes therein set forth ;

Which was referred to a select committee of Messrs. Rousseau, Ford, and Pennington.

By Mr. Clymer,

The petition of certain citizens of Elkhart county, in regard to the northern Indiana railroad ;

Which was referred to a select committee of Messrs. Clymer, Rippey, and Jackson.

By Mr. Mickel,

A petition for a railroad from Cambridge city, to Fort Wayne ;

Which was referred to the committee on that subject.

By Mr. Smith,

A remonstrance from certain citizens of Cass county against the repeal of an act, entitled, " An act to vacate a certain alley in West Logan, and for other purposes," approved December 17, 1844 ;

Which was referred to the select committee who have that subject under consideration.

By Mr. Clymer,

A petition from citizens of Elkhart county, for the formation of a new court for the more speedy trial of minor offences ;

Which was referred to a select committee of Messrs. Clymer, Rippey, and Powers.

By Mr. Baker,

The petition of Martha Jane Van Dusen of Vanderburgh county, praying for a divorce from her husband ;

Which was laid upon the table.

Mr. Cruikshank made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred bill No. 162 of the House of Representatives to repeal an act entitled "An act to confine voters to their own townships," approved January 13th, 1845, so far as relates to the county of Boone, and so amended as to include the county of Owen, have directed me to report that they deem further legislation on this subject inexpedient, and ask to be discharged from the further consideration of said bill.

Mr. Clements moved to refer the report and bill to a select committee ;

Which was not adopted.

The question then being,

"Shall the report of the committee be concurred in?"

Messrs. Clements and Hazelrigg demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Burns, Cameron, Carr, Carnan, Carter, Clymer, Coffin, Cookerly, Coon, Cornelius, Cox, Cruikshank, Dole, Endecott, Ferguson, Hall of Gibson, Hall of Warren, Henton, Herron, Hinchman, Jackson, Jones, Julian, Kerr, Lanius, Leyman, Lewis, Logan, Lowe, McCormack, McDonald, Meeker, Mickle, Mooney, Nelson, Osborn of Sullivan, Parker, Pennington, Powers, Riley, Rippey, Ruby, Secrest, Shanks, Sleeth, Snook, Tomlinson, Turner, Vandever, Watt, Webber, Wiley, and Wilson of Noble—58.

*Those who voted in the negative are,*

Messrs. Arnold, Chambers, Clements, Conduit, Davis, Dowling, Ellis, Ford, Fuller, Hazelrigg, Henry, Hill, Huff, Legg, Lemmonds, McRae, Monroe, Moore, Morrow, Porter, Robinson, Rousseau, Seawright, Slater, Smith, Stapp, Stewart, Tedford, Thompson, Webb, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—33.

So said report was concurred in.

Mr. McDonald moved that the bill be indefinitely postponed.

Mr. Lowe moved that the bill be laid upon the table ;

Which motion of Mr. Lowe prevailed.

Mr. Thompson made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred a resolution of the House of Representatives directing an enquiry into the expediency of subjecting school lands to taxation ten years after such sale for the amount actually paid thereon, have after due consideration instructed me to report the following bill :

No. 314. A bill to subject certain lands to taxation ;

Was read a first time, and ordered to a second reading.

Mr. McDonald made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of the House instructing said committee to enquire into the expediency of authorizing the several judges of the courts of this State to punish contempts, &c., have had the same under consideration, and directed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration thereof :

No. 315. A bill to define the powers of judges when acting on writs of habeas corpus, and applications for writs of injunction ;

Was read a first time, and ordered to a second reading.

Mr. Riley made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred bill of the House No. 275, entitled "An act relative to recording deeds and mortgages," have had the same under consideration, and directed me to report it back to the House with the following amendment: Strike out all after the enacting clause, and insert the following amendment, which is a new bill, and recommend its adoption, and ask to be discharged from the further consideration thereof.

Said amendment of the committee was adopted.

And again amended,

On motion by Mr. Thompson ; when

Mr. Secrest moved to strike out "thirty" and insert "sixty."

Pending which,

On motion by Mr. Harvey,

The bill was indefinitely postponed.

Mr. Shanks made the following report :

MR. SPEAKER :

The committee on education, to whom was referred bill of the House No. 51, have had the same under consideration, and have directed me to report that, in the opinion of your committee, it is inexpedient to legislate on that subject, and recommend that the bill be laid on the table.

Which was concurred in, and said bill laid upon the table.

Mr. Shanks made the following report :

MR. SPEAKER :

The committee on education, to whom was referred a resolution instructing them to enquire into the propriety of so amending the laws on common schools as to authorize district trustees to administer the necessary oaths to teachers, have directed me to report the following bill and recommend its passage :

No. 316. A bill authorizing district and township school trustees to administer oaths in certain cases ;

Was read a first time, and ordered to a second reading.

On motion by Mr. Lowe,

Leave was granted to him to introduce the following resolution :

*Resolved*, That Dr. Hill be allowed the use of this Hall on this evening, and such other few evenings as the Hall may not be otherwise engaged, for the purpose of delivering lectures upon astronomy and exhibiting his orrery, magic lantern and telescopic view of the heavenly bodies.

Which was adopted.

Mr. Hazelrigg made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the petition of Phebe Stephenson and sundry others, have had that subject under consideration, and directed me to report the following bill, and respectfully recommend its passage, and ask to be discharged from the further consideration thereof :

No. 317. A bill for the relief of the heirs of Henry Stephenson, late of Boone county, deceased ;

Was read a first time, and ordered to a second reading.

Mr. Ferguson made the following report :

MR. SPEAKER :

The committee on education to whom was referred a resolution of the House, instructing them to enquire into the expediency of revising the common school laws, have had the subject under consideration, and have directed me to report, that the committee have made a report upon a similar resolution of the House, at this session, which was concurred in, and they respectfully ask to be discharged from any further consideration of the matter.

Which was concurred in.

Mr. Carnan made the following report :

MR. SPEAKER :

The committee on education to whom was referred resolution of the House, directing an enquiry into the expediency of modifying the school law so as to give discretionary power to overseers of the poor in binding apprentices in certain cases, have had the same under consideration, and have directed me to report a bill and recommend its passage.

No. 318. A bill relative to apprentices ;

Was read a first time, and ordered to a second reading.

Mr. Davis, on leave granted, offered the following resolution :

*Resolved*, That the committee on military affairs enquire into the expediency of reporting a bill for the reorganization of the militia, so that the State may again draw her proportionate share of arms ;

Which was adopted.

Mr. Secrest moved to take from the table sundry communications from the Auditor of State, in answer to a resolution of the House, in relation to the probable amount of scrip, and other funds that have been collected by the several county treasurers during the past year ;

Which was adopted.

Mr. Secrest then offered the following resolution :

*Resolved*, That the Clerk be directed to prepare a tabular statement, showing at one view in separate columns, the amount of scrip and other funds received and estimated by the several county treasurers, in the reports made to this House, under an order thereof at the present session, by the auditor ;

Which was adopted.

Mr. Riley offered the following as a protest against the report of the committee on the State's Prison heretofore made :



## MR. SPEAKER:

The undersigned, a minority of said committee, regret that it becomes their duty to dissent from the majority in a matter of so much importance as the present. Duty to humanity, a desire faithfully, attentively, and impartially to investigate the conduct of the superintendent of the prison, and its condition, with a view of presenting the result of such investigation for the consideration and action of the House, have demanded of us to report not only the evidence adduced before the committee, but our deductions therefrom, and the application of the law to the case, better to enable the House to see how far the conclusions of the minority are just. The minority if in error in these conclusions, have the consolation, that they are not founded in improper feelings. The superintendent, Joseph R. Pratt, was permitted to appear before the committee with the aid of James Morrison, Esq., as his attorney, and witnesses were introduced to controvert and explain the charges made by the visiter in his report. The superintendent was attentively heard by his attorney before the committee. We will not comment with severity, on the manner of conducting the defence of Mr. Pratt. The manner, however, manifested too much sensitiveness to be consistent with a desire on his part to have a thorough investigation of his conduct as superintendent, and of the treatment of the prisoners.

By the fifth section of the fifty-fifth chapter of the general laws of 1841 of this State, among other things, it is made the duty of the superintendent "to provide for the comfortable clothing and victualing the convicts." Our conclusions from the testimony of *all* the witnesses are, that the superintendent has been guilty of a violation of this law. Mr. Payne in his report which has been laid before the House, informs us, that on the 15th, 16th, 17th, and 18th days of November, as the authorized agent of the State, he visited the prison, with a view of making a thorough examination of all the matters appertaining to the prison. He reports, that he found some of the prisoners barefoot, and without clothing suitable to the weather at that time." This was testified to by Mr. Payne and Dr. Collum. Pratt attempted before the committee to exonerate himself from this dereliction, 1st: by showing that many of the prisoners were provided with clothing suitable to the season, 2nd: that the weather on the 15th, 16th, 17th, and 18th days of November, was very pleasant, 3d: that he was disappointed in getting his winter supplies.

We cannot admit that the fact, that many of the convicts were comfortably clad at that time, is a fulfilment of the statute that required him as superintendent to provide for the comfortable clothing of *all* the convicts. They are placed in an attitude where they cannot supply their own wants: and the legislature wisely, and humanely provided that these unfortunate victims should be comfortably fed and clad. The superintendent at the time he took charge

of the prison, assumed a faithful compliance with this enactment, and cannot exculpate himself from the just censure of this House and the community. We think it no excuse, that at the middle of November, and after the weather happened to be fine, or that he neglected, or was disappointed in getting his winter supplies. We hold in the language of the visiter in his report "their clothing should be comfortable, and always ready for them." It is true, as it was fortunate for the convicts, that the weather was fair, but not less excusable is Mr. Pratt for this failure.

In addition to the above facts, the minority would respectfully represent, that the evidence shows that the bedding furnished is not sufficiently ample for the comfort of *all* the convicts. All of the aforesaid facts are substantiated by the report of the visiter, and corroborated by the witnesses interrogated in this case.

The law approved 31st January, 1842, chapter 67, section 13, among other things, it is provided "that the Physician and Clerk of the prison shall be so far considered, and authorized to act as a board of inspectors, as to prevent the infliction upon the prisoners of any *unnecessary, cruel, or inhuman punishment*, or punishment greatly disproportioned to the offence; and for that purpose, may adopt general rules on the subject, for the guidance of the superintendent."

The legislature doubtless intended by this enactment, to protect the convicts from unnecessary, cruel, and inhuman punishment; and such is the spirit of the law. The question before the House, is this, Has there been a violation of the spirit of the law?

The minority are of the opinion, that the superintendent has been guilty of violating said enactment, in this: In the month of August last, there was an instance of corporal punishment being inflicted on a convict by the superintendent, which the undersigned regret to say, in their opinion from the facts, to be cruel, as well as other cases occurring at other times. Dr. Collum testified, that there had been individual cases of rigor, where punishment had been inflicted under first excitement. The minority regret very much that Dr. Collum, the Clerk of the prison, would, contrary to his duty, permit cases of individual rigor to occur, like those by him detailed in his evidence, to-wit; the case of the convict, whom he found in convulsions, shortly after a severe whipping. The case of the individual who was compelled to pitch bricks until every part of his fingers coming in contact with the bricks, were completely excoriated, and then suffering him to be kept from the hospital. The working convicts barefoot in the lime, &c. Of convicts applying to him for medical aid, the cause for which application was whipping, about which he knew nothing. In each and all the cases above alluded to, the undersigned from the evidence, are compelled to regard the conduct of the superintendent as cruel and inhuman, and a violation of the law, on the part of the superintendent, and a great dereliction of duty, in not preventing such occurrences, on the part

of the Clerk. And those conclusions are greatly strengthened by the indefiniteness, evasiveness, and refusal of Dr. Collum, (the Clerk) to answer questions asked him by the committee. It was his duty to prevent occurrences like the above, his failing to do so, it is his interest to conceal the same. The House is referred to the evidence of Dr. Collum, the questions put and refused to be answered, which affords such a commentary upon his relation to the above cases of rigor, as it is hoped they will well consider.

The law approved January 31st, 1842, (page 101) section 15, among other things, provides "that it shall be the duty of the Clerk" \* \* \* "in conjunction with the Superintendent to employ such medical attendance as the health of the prisoners shall require; and such physician so employed shall be allowed such compensation as the said Clerk and Superintendent shall deem reasonable, not exceeding two hundred and fifty dollars per annum." The 13th section of the above act provides, "That the Physician and Clerk of the prison, shall be so far considered and authorized to act as a board of inspectors, as to prevent the infliction upon the prisoners of any unnecessary, cruel, or inhuman punishment, &c., may adopt general rules on the subject for the guidance of the Superintendent, &c." The Clerk of the prison is also, by the appointing power vested partially in himself, the Physician of the prison, with the power, in conjunction with the Superintendent, of fixing his own salary as such Physician, to a certain limit, that is to \$250,00 *per annum*. The undersigned does not entertain the opinion, that the Legislature ever designed an *unity* of the offices of Clerk and Physician of the State prison, in the same person; in other words, the Legislature never designed that one person should at the same time hold both of said offices. In the opinion of the undersigned, such a construction of the law would defeat and render inoperative those wholesome regulations, by destroying the board of inspectors contemplated in the law; and the ability to adopt rules and regulations for the guidance of the Superintendent, and for the protection of the prisoners.

The undersigned think the Clerk, in conjunction with the Superintendent, had no authority to appoint himself physician of the prison; and having made such appointment it was void *ab initio*. The said offices being incompatible in the same person as before stated. And so far from its being an excuse for either, the Clerk, that those rules for the guidance of Superintendent, and the protection of the convicts, were not made; or for Superintendent, that those humane regulations contemplated in the law were not faithfully observed, that it is a just cause of censure and condemnation, that the Clerk and Superintendent should have combined together, and appointed one of their own number to the office of Physician of the prison; thus in their own wrong, and in violation of the spirit and letter of the law, destroying the department that was intended to protect

from unnecessary, cruel, and inhuman punishment those unfortunate beings.

In submitting this report for the action of the House, the minority only differ with the majority in this; the majority only report such facts as they thought material, and relevant; the committee came to no definite conclusions; nor do they ask the action of the House, in the premises. The undersigned report substantially all the evidence given; questions proposed and refused to be answered, and ask the concurrence of the House in this report, and that the accompanying preamble and joint resolutions may be adopted.

R. A. RILEY.

On motion by Mr. Clymer,  
The House adjourned until to-morrow morning, 9 o'clock.

## FRIDAY MORNING, JANUARY 2, 1846.

House met pursuant to adjournment.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred the petition of H. D. Johnson and others, praying the Legislature to incorporate the Grand Lodge of the Independent Order of Odd Fellows for the State of Indiana, have had the subject matter of said petition under consideration, and have directed me to report said petition back to the House and recommend that it be laid on the table, as the prayer of said petitioners is fully answered by a bill of the Senate, which has already passed this House, incorporating the Grand Lodge of the Independent Order of Odd Fellows in this State; and therefore your committee ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Carr also made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the Senate, No. 94. A bill to amend an act incorporating the Dearborn



county cotton manufacturing company, approved February 11th, 1843, have had said bill under consideration, and directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time, and ordered to a third reading.  
Mr. Parker made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred an act entitled, No. 166. An act to incorporate the Versailles, Napoleon, and other turnpike companies, approved February 8th, 1836, approved January 15th, 1844, approved January 13th, 1845, have had the same under consideration, and instructed me to report it back to the House without amendment, and recommend its passage; and your committee ask to be discharged from a further consideration thereof;

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Lanius made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the Senate, No. 28, to incorporate the Rising Sun manufacturing company, have carefully examined the same, and report the same to the House, with the following amendments: strike out the words "paid in," in the 13th section of said bill, and recommend the passage of the same.

Which amendment was adopted.

And said bill ordered to a third reading.

Mr. Robinson made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the House, No. 225, entitled "A bill to incorporate the Hoosier band, of Greenfield," have had the same under consideration and have directed me to report the same back to the House, and recommend its passage, with the following additional section:

SEC. 5. This act to be in force from and after its passage.

Which amendment was adopted.

And said bill ordered to be engrossed for a third reading.

Mr. Carr made the following report:



MR. SPEAKER:

The committee on corporations, to whom was referred bill of the House, No. 184, to incorporate the White river slack water navigation company, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House, without amendment, and recommend its passage:

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House No. 287, have had the same under consideration, and have directed me to report the bill back to the House, and recommend its passage.

No. 287. A bill to change that part of the New Albany and Crawfordsville McAdamized road which lies between Salem and New Albany to a railroad, to be constructed by a private company;

Was read a second time.

On motion,

Considered as engrossed, rules suspended, read a third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Logan made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of the House asking a change of time for the payment of interest on canal lands, have had the same under consideration, and a bill having been already reported on that subject, ask to be discharged from the further consideration thereof:

Which report was concurred in.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House No. 283, entitled "A bill allowing the Commissioner of the Wabash and Erie canal to employ an engineer, and for other purposes," have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Dowling made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House, No. 285, entitled "A bill granting the right of way to a company to construct a rail or turnpike road therein named, in Vermillion county," have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Moore made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred a bill for the payment to Mary Wood and others, of damages recovered by them against the State of Indiana, for injury to their lands by the construction of the Jeffersonville and Crawfordsville road, have, according to order, had the same under consideration, and the committee have instructed me to report the following bill :

No. 319. A bill for the payment of Mary Wood and others, of damages recovered by them against the State, for injury to their lands by the construction of the Jeffersonville and Crawfordsville road ;

Was read a first time, and ordered to a second reading.

Mr. Moore made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred a resolution of this House directing them to enquire into the expediency of providing by law for compensation of the messengers or marshals appointed by the Governor in the election of 1844, to notify the electors of their election, have had that subject under consideration, and have directed me to report the following bill :

No. 320. An act for the relief of the messengers to notify electors of President and Vice President of the United States ;

Was read a first time and ordered to a second reading.

Mr. Snook made the following report :

MR. SPEAKER:

The joint committee on the State library have, after a consideration of the matter, instructed me to report the following bill, and recommend its passage:

No. 330. An act to amend the several acts providing for the preservation of the State House, State library and Legislative papers ;  
Was read a first time, and ordered to a second reading.

Mr. Snook, also, from that committee, gave in a communication from the Treasurer of State in regard to the management of the affairs of the State House, and of other matters.

Mr. Vandever made the following report :

MR. SPEAKER:

The committee on roads, to whom was referred the petition of sundry citizens of the counties of Dekalb and Allen, praying for a certain State road therein named, have had the same under consideration, and directed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration of the same:

No. 321. A bill to establish a State road in the counties of Dekalb and Allen ;

Was read a first time, and ordered to a second reading.

Mr. Monroe made the following report :

MR. SPEAKER:

The select committee, to whom was referred bill No. 303. A bill to require plaintiffs in Washington county to give security for costs in certain cases therein named, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and respectfully recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Carnan made the following report :

MR. SPEAKER:

The select committee, to whom was referred bill of the Senate No. 118, to incorporate the Wabash navigation company, have had the same under consideration, and have directed me to report it back to the House, without amendment, and recommend its passage.

Said bill was read a second time, and ordered to a third reading.  
Mr. Henton made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Wabash, praying privilege to erect a dam across the Mississinnewa river, in Wabash county, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage :

No. 322. An act to authorize Aaron K. Sayre and Daniel Sayre to build a dam across the Mississinnewa river, in Wabash county :

Was read a first time, and ordered to a second reading.

Mr. Cookerly made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill No. 139 of the House, have had the same under consideration, and have directed me to report the same back, with the following amendment, and recommend its passage, and ask to be discharged from the further consideration thereof :

Amend by striking out the second section and insert the following :

SEC. 2. That every person who shall get his livelihood exclusively by gambling, and having no other visible occupation or calling, or shall be found wandering about from place to place, without a permanent residence in this State, in the habit or practice of gambling, shall be deemed a professional gambler, and shall, upon the first conviction thereof, be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than six nor more than twelve months.

SEC. 3. Any person violating the provisions of section second of this act a second time, upon conviction thereof, shall be imprisoned at hard labor in the State prison for any term of time not less than one nor more than five years.

Said bill, with the amendments, was,

On motion by Mr. Baker,

Laid upon the table.

Mr. Edwards made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill No. 242 of the House, have had that subject under consideration, and directed me

to report the same back to the House, saying it is unnecessary to legislate any further on the subject, and ask to be discharged from the further consideration of the same.

Said bill, No. 242,

Was laid upon the table.

Mr. Baker made the following report :

MR. SPEAKER :

The select committee, to whom was referred a resolution of the House instructing them to enquire into the expediency and probable cost of publishing all statutes of a general and public nature, which may hereafter be enacted, containing therein a provision that the same shall be in force from and after their passage, in some newspaper printed at Indianapolis, have had the same under consideration, and have ascertained that the probable cost of publishing the statutes contemplated by the resolution, would be from thirty to sixty dollars per annum. This conclusion is based upon the assumption that the statutes passed at the last session of the General Assembly, which took effect from and after their passage, will not be greatly exceeded either in length or number, by those of the same description, which may be passed by the present or any future session. The acts of the last session of the General Assembly, which were in force from and after their passage, occupy about 55 pages of the statute book of 1845. Your committee have corresponded with the proprietors of three of the principal journals printed at the seat of government on the subject of said resolution, and have been informed by two of them that they would be willing to publish the statutes in the manner pointed out by the resolution for twenty cents per square of two hundred and fifty ems, which would be equal to one dollar per page of the statute book. The proprietor of the other paper expressed his willingness to publish said statutes for about half that sum, to wit : for fifty cents per page of the statute book, which would be equal to about ten cents per square of two hundred and fifty ems. The Legislature annually passes statutes containing a provision that the same shall be in force from and after their publication in one or more of the newspapers of this city, and for publishing these the State has been paying fifty cents per square of two hundred and fifty ems. The expense of publishing all the statutes contemplated by the resolution, at the reduced rates at which they can now be published, will not amount to more than the State has been annually paying for publishing those statutes, (comparatively few in number,) which contained a clause requiring that they should be published in some newspaper. The importance of an early dissemination of the laws among the people who are to be governed by them cannot be too highly estimated, and no species of tyranny is more reprehensible or more at war with republican institutions than that which re-



quires the citizen to conform his conduct to a rule of action that has never been promulgated by the law-making power. In view of which, your committee have instructed me to report the following bill and recommend its passage :

No. 323. A bill to require certain statutes to be published in some newspaper at Indianapolis, and for other purposes ;

Was read a first time, and ordered to a second reading.

Mr. Hazelrigg, made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of the counties of Montgomery, Putnam, and Parke, praying for the formation of a new county, out of parts of said counties, have had the same under consideration, and directed me to report, that in consequence of the business now before the House, and the shortness of the time to dispose of the same; that in the opinion of the committee, it would not be expedient to legislate upon that subject at the present session; they therefore, recommend that the petitions be laid upon the table, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Osborn of Laporte, made the following report:

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Laporte county, and also one of citizens of St. Joseph county, praying for the repeal or modification of the valuation and appraisement laws, have had that matter under consideration, and directed me to report the following bill, and recommend its passage, and said committee ask to be discharged from the further consideration thereof.

No. 324. An act to amend the execution laws;

Which was read a first time, and ordered to a second reading.

Mr. Webber made the following report:

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Marion county, praying a relocation of a part of a certain State road therein named, have had the same under consideration, and have instructed me to report the following bill and recommend its passage.

No. 325. An act to relocate a part of a certain State road in Marion county;

Was read a first time, and ordered to a second reading.

Mr. Stewart made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 266, for the relief of James Miller, have examined the facts of the case, and now report the bill back to the House and ask its passage.

No. 266. An act for the relief of James Miller;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Mickle made the following report:

MR. SPEAKER:

The select committee to whom was referred sundry petitions and remonstrances for and against the appropriation of a certain amount of road tax to certain State roads in Jay and Adams counties, have had that subject under consideration and directed me to report the following bill and respectfully ask its passage, and ask to be discharged from the further consideration of that subject.

No. 326. A bill to abolish the necessity of special legislation in Adams and Jay counties;

Was read a first time, and ordered to a second reading.

Mr. Henry made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Mary Jonson, asking to be divorced from her husband Peter Jonson, have had the same under consideration, and directed me to report the following bill and respectfully recommend its passage.

No. 327. A bill to divorce Peter Jonson and Mary Jonson;

Was read a first time, and ordered to a second reading.

Mr. Davis made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the House, No. 207, have had the same under consideration, and direct me to report the same back to the House, with one amendment, and recom-

mend its passage, and ask to be discharged from the further consideration thereof.

Which amendment was adopted.

And said bill,

No. 207. An act for the benefit of supervisors in Scott county;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Robinson made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the House, No. 205, entitled "An act to amend an act, entitled an act to incorporate the Michigan Road Company south of Indianapolis," have had the same under consideration, and have directed me to make the following report, viz: strike out from the enacting clause, and insert the following new bill.

Which was adopted.

And said bill read a second time, and ordered to be engrossed.

Mr. Carnan made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the Senate "relative to leveeing the Wabash river in Knox and Sullivan counties," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

Said bill was read a second time, and ordered to a third reading.

Mr. Henry made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Mary Ann Banks, praying to be divorced from her husband Henry Banks, have had the same under consideration and have directed me to report the following bill, and respectfully recommend its passage.

No. 328. A bill to divorce Mary Ann Banks from her husband Henry Banks;

Was read a first time, and ordered to a second reading.

Mr. Thompson made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition of Rezin W. Morgan, and seventeen others, citizens of Perry county, praying that a certain part of Perry county, particularly described in said petition, be attached to and made a part of Crawford county, have instructed me to report, that inasmuch as no affidavit of a notice having been given as the law requires, have instructed me to report that it is inexpedient at this session to grant the prayer of the petitioners; but will not withhold the expression, that if a notice had been given as the law requires, of an intention to make such application, we would have unanimously reported a bill in accordance with the prayer of the petitioners, if we ascertained that it would not reduce Perry, under four hundred square miles.

Which report was concurred in.

Mr. Clymer, the rules being suspended, moved to take from the table the bill on apportioning the Senators and Representatives of the State, for the next five years;

Which motion prevailed.

Said bill was then,

On motion,

Referred to the committee of the whole, and made the special order of the day for Monday next, at 10 o'clock, A. M.

On motion by Mr. Seawright,

*Resolved*, That the committee on ways and means be instructed to enquire into and report to this House whether the secretary of the treasury of the United States in withholding that portion of the moneys accruing on the sales of the public lands within this State, known as the three per cent. fund, has not violated section 6th, article 3d of the act of Congress of 1816, granting said fund to this State, and if so, that we memorialize Congress on that subject.

Mr. Fuller offered the following:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill to this House, to stop the interest on all old scrip after December eighteen hundred and forty-eight.

Which was not adopted.

Mr. Jones offered the following resolution:

*Resolved*, That this House will adjourn *sine die* on Monday the 19th, the Senate concurring therein.

Mr. Riley moved that the resolution be laid upon the table.

On which motion Messrs. Riley and Leyman demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Brumfield, Carter, Clements, Cookerly, Cox, Dole, Fuller, Hall of Gibson, Harvey, Hinchman, Kerr, Lemmonds, McDonald, McRae, Monroe, Mooney, Parker, Pennington, Porter, Riley, Robinson, Rousseau, Ruby, Secrest, Stanfield, Stapp, Stewart, Tedford, Turner, Vandever, Watt, Webb, and Wise—34.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Cameron, Carr, Chambers, Clymer, Coffin, Conduit, Coon, Cornelius, Cruikshank, Davis, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Hall of Warren, Hazelrigg, Henry, Henton, Herron, Hill, Huff, Jackson, Jones, Julian, Kimberlin, Lanius, Leyman, Legg, Lewis, Logan, Lowe, McCormack, Meeker, Mickle, Moore, Morrow, Nelson, Osborn of Sullivan, Powers, Rippey, Seawright, Shanks, Slater, Sleeth, Smith, Snook, Thompson, Tomlinson, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—61.

So said motion did not prevail.

Mr. Dowling moved to postpone the matter until Monday next ;  
And on this motion,

Messrs. Julian and Cox demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Brumfield, Cameron, Carnan, Carter, Clements, Cookerly, Dole, Dowling, Ferguson Fuller, Hall of Gibson, Hall of Warren, Harvey, Henton, Kerr, Lemmonds, Logan, McRae, Monroe, Moore, Nelson, Osborn of Laporte, Parker, Pennington, Porter, Riley, Robinson, Rousseau, Ruby, Seawright, Secrest, Snook, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Watt, Wise, and Yocum—41.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Carr, Chambers, Clymer, Coffin, Conduit, Coon, Cornelius, Cox, Cruikshank, Davis, Edwards, Ellis, Ford, Hazelrigg, Henry, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kimberlin, Lanius, Leyman, Legg, Lewis, Lowe, McCormack, McDonald, Meeker, Mickle, Mooney, Morrow, Osborn of Sullivan, Powers, Rippey, Shanks, Slater, Sleeth, Smith, Turner, Vandever, Webb, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—53.

So said motion did not prevail.

The question then recurring on the adoption of the resolution,  
Messrs. Julian and Mickle demanded the ayes and noes.



*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Burns, Cameron, Carr, Chambers, Clymer, Coffin, Conduit, Coon, Cornelius, Cox, Cruikshank, Davis, Dowling, Edwards, Ellis, Ferguson, Ford, Harvey, Hazelrigg, Henry, Herron, Hill, Hinchman, Huff, Jones, Julian, Lanius, Leyman, Legg, Lewis, McCormack, McDonald, Meeker, Mickle, Monroe, Moore, Morrow, Nelson, Osborn of Sullivan, Powers, Riley, Rippey, Robinson, Ruby, Seawright, Shanks, Slater, Sleeth, Smith, Snook, Stapp, Stewart, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—66.

*Those who voted in the negative are,*

Messrs. Baker, Brumfield, Carter, Clements, Cookerly, Dole, Endecott, Fuller, Hall of Gibson, Hall of Warren, Henton, Jackson, Kerr, Kimberlin, Lemmonds, Logan, Lowe, McRae, Mooney, Osborn of Laporte, Parker, Pennington, Porter, Rousseau, Secrest, Stanfield, Thompson, Tomlinson, and Wise—28.

So said resolution was adopted.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Kerr,

*Resolved,* That the committee on education be instructed to enquire into the expediency of establishing the mute asylum on the manual labor plan; and provide a farm therefor, and report by bill or otherwise.

On motion by Mr. Wise,

*Resolved,* That the committee on education enquire whether there is any law requiring school commissioners to give bond, and if so, in what amount, and who approves of the same, and whether there is any further legislation necessary on that subject.

On motion by Mr. Baker,

*Resolved,* That the standing committee on the judiciary be instructed to enquire into the expediency of repealing so much of section 236, of article 9, of chapter 40, of the Revised Statutes of 1843, as provides that judgments by default, *nihil dicit* and *non sum informatus*, shall not be reversed, impaired, or in any way affected for want of any writ, original or judicial, and that they report by bill or otherwise.

Mr. Riley introduced the following :

No. 329. A joint resolution, removing the superintendent, and censuring the clerk of the Indiana State prison;

Which was read a first and second times, the rules being suspended, when

Mr. Shanks moved to indefinitely postpone the whole matter ;

And on this motion,

Messrs. Shanks and Riley demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Brumfield, Cameron, Carnan, Chambers, Coffin, Cruikshank, Edwards, Ellis, Endecott, Hall of Gibson, Harvey, Jones, Meeker, Mickle, Monroe, Powers, Robinson, Seawright, Secrest, Shanks, Stapp, Tomlinson, Webb, and Mr. Speaker—26.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Burns, Carr, Carter, Clymer, Conduit, Cookerly, Coon, Cornelius, Cox, Davis, Dowling, Ferguson, Ford, Fuller, Hall of Warren, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, Huff, Jackson, Julian, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, Lowe, McCormack, McDonald, McRae, Mooney, Moore, Morrow, Nelson, Osborn of Sullivan, Parker, Pennington, Porter, Riley, Rippey, Rousseau, Ruby, Sleeth, Smith, Snook, Stewart, Tedford, Thompson, Vandever, Watt, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, Wise, and Yocum—64.

So said motion did not prevail.

The joint resolution was,

On motion,

Referred to a select committee.

The House then adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

House met.

The Speaker announced the following as the select committee to whom was referred joint resolution No. 329, to wit :

Messrs. Hall of Gibson, Clymer, Dowling, Mickle, Blackwell, Watt, Arnold, Carr and Stapp.

Mr. Tedford made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared the following with the engrossed bills, and find them correctly enrolled :

No. 208. An act to repeal in part an act entitled " An act to provide for summoning grand and petit jurors in Decatur and Marion counties," approved January 15th, 1845 ;

No. 116. An act authorizing the trustees of congressional township twenty-eight north, range twelve east, in Wells county, to lay off a town;

No. 195. An act to change the time of holding probate court in the county of Pike;

No. 201. An act prescribing the mode of selecting petit jurors in Sullivan county;

No. 104. An act increasing the per diem allowance of grand and petit jurors;

No. 187. An act in relation to the fees of the recorders and auditors in the counties of Adams, Jackson and Jay;

No. 181. An act to remunerate the justices of the county of Warwick for their services on the county board;

No. 191. An act authorizing the president and trustees of Lafayette to purchase and hold real estate, and for other purposes;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their president.

#### SENATE BILLS ON THIRD READING.

No. 51. An act to provide for the permanent location of the seat of justice of Noble county:

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 289. An act establishing a State road in the counties of Montgomery and Fountain;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS ON SECOND READING.

No. 22. An act for the relief of settlers upon the Wabash and Erie canal lands;

Was read a second time, and ordered to a third reading.

No. 73. An act to incorporate the Peru and Indianapolis railroad company;

Was read a second time, and referred to the committee on corporations.

No. 112. A bill to incorporate Port Fulton, in Clark county;

Was read a second time, and referred to the committee on corporations.

No. 119. An act to provide for the continuation of the Madison and Indianapolis railroad to Pendleton, Huntsville and Anderson-town;

Was read a second time, and referred to a select committee of Messrs. Ellis, Bowman and Kimberlin.

No. 123. An act to amend an act entitled "An act to provide for erecting a bridge across Laughery creek, in Ripley county," approved January 8th, 1845 ;

Was read a second time, and ordered to a third reading.

No. 132. An act for the leveeing Shaker Prairie, on the Wabash river ;

No. 134. An act vacating part of Howard street and certain alleys in West Richmond ;

Was read a second time, and ordered to a third reading.

No. 135. An act to amend "An act to incorporate the Lawrenceburgh and Harrison turnpike company," approved February 6, 1836 ;

Was read a second time, and referred to the committee on corporations.

No. 136. A bill to amend "An act to incorporate the Indiana Church," approved December 7, 1810, and an act amendatory thereto, approved January 22, 1818 ;

Was read a second time, and referred to the committee on corporations.

#### HOUSE BILLS ON SECOND READING.

No. 292. An act for the relief of Jacob Jones, Sen. ;

Was read a second time, and laid upon the table.

No. 293. An act to authorize Nicholas McCarty to build a mill dam across White river, in Marion county ;

Was read a second time, and referred to a select committee of Messrs. Parker, Kimberlin and Leyman.

No. 294. An act to amend and reduce into one the several acts relating to the corporation of the town of Vevay ;

Was read a second time, and referred to the committee on corporations.

No. 295. An act to amend an act to amend an act incorporating the city of New Albany, approved February 14, 1839 ;

Was read a second and third times, the rules being suspended, and passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 296. An act to locate a State road in the counties of Miami and Fulton ;

Was read a second time, and ordered to be engrossed for a third reading.

No. 297. A bill to incorporate the Pendleton and Shelbyville railroad company ;

Was read a second time, and referred to the committee on corporations.

No. 298. A bill for the relief of Elizabeth Preston ;

Was read a second time, and referred to the committee on corporations.

No. 299. An act for the relief of Susan Whealey of Hamilton county ;

Was read a second time, and ordered to be engrossed for a third reading.

No. 301. An act to authorize the State Bank of Indiana to issue notes of less denomination than five dollars, and for other purposes ;

Was read a second time.

An amendment was offered by Mr. Stanfield ; and,

On motion by Mr. Clymer,

Referred to a select committee of Messrs. Stanfield, Clymer and Dowling.

No. 302. An act to vacate the town of Blakesburgh, in Putnam county ;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 304. A bill relative to printing the school laws in the German language ;

Was read a second time, and referred to the committee on education.

No. 305. A bill for the relief of Robert Stockwell, of Gibson county ;

Was read a second time, and ordered to be engrossed for a third reading.

No. 306. An act for the relief of Eliza Ann Storm, of Marion county ;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 307. An act to amend the 4th article, chapter 7, of the Revised Statutes of 1843, and for other purposes ;

Was read a second time, and referred to the committee on ways and means.

No. 308. An act legalizing the acts of certain justices of the peace in Allen county ;

Was read a second time, and ordered to be engrossed.

No. 310. An act in relation to the granting of tavern licenses in the county of Cass ;

Was read a second time, and ordered to be engrossed.

No. 311. An act amendatory of the 3d article of the 16th chapter, section 90, of the Revised Statutes of 1843 ;

Was read a second time, amended, and ordered to be engrossed for a third reading.

No. 312. An act declaratory of an act herein referred to ;

Was read a second time, and ordered to be engrossed for a third reading.



No. 313. A bill for the relief of Martha Jane Van Dusen, of Vanderburgh county;

Was read a second time and ordered to be engrossed.

No. 314. An act to subject certain lands to taxation;

Was read a second time, and laid upon the table.

No. 315. A bill to define the powers of judges when acting on writs of habeas corpus, and applications for writs of injunction;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 316. A bill authorizing district and township school trustees to administer oaths in certain cases;

Was read a second time, and ordered to be engrossed for a third reading.

No. 317. An act for the relief of Henry Stephenson, deceased, late of Boone county;

Was read a second time, and ordered to be engrossed for a third reading.

No. 318. A bill relative to apprentices;

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Hazelrigg moved to take from the table, bill

No. 292. An act for the relief of Jacob Jones, Sen.;

Which motion prevailed.

Said bill was then read a second time, amended, and referred to a select committee of Messrs. Hazelrigg, Moore and Seawright.

On motion by Mr. Vandever,

*Resolved*, That the select committee to whom was referred joint resolution of the House No. 329, be instructed to enquire if the superintendent and clerk of the Indiana State Prison, or either of them, have violated the law by appointing one of their own number physician of said prison; and by not adopting rules for the guidance of the superintendent, &c.; and that they report by bill or otherwise.

On motion by Mr. Yocum,

*Resolved*, That the committee of ways and means be requested to examine whether or not there is any law making it the duty of county collectors to assess and collect taxes on lands that may have become taxable and not assessed by former assessors, and if there is no general law on that subject, that they be requested to report a bill making it the duty of the several collectors in this State to assess and collect on all lands that may have been taxable and not assessed, as far back as the year 1841.

Mr. McCormack moved to take from the table the report of the committee, and bill

No. 139. A bill to amend the first article of the fifty-third chapter of the Revised Laws of 1843, and for other purposes;

Which motion prevailed.

The question then being,

"Shall the report of the committee, heretofore made be concurred in?"

It was decided in the negative.

Said bill was then ordered to be engrossed for a third reading.

Mr. Osborn of Laporte moved to reconsider the vote taken on bill of the Senate

No. 95. An act for the relief of Martha Ann McCune of Floyd county;

Which motion prevailed.

Said bill was then read a third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hill moved to take from the table bill

No. 65. An act to attach certain territory therein named to the county of Jennings;

Which motion prevailed.

Said bill was then read a second time, amended, and ordered to be engrossed for a third reading.

The House then proceeded to act upon the messages of the Senate.

A message from the Senate, by Mr. Gorman, their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 27. An act to authorize the Auditor of Gibson county to make a deed in a certain case therein named;

No. 286. An act for the relief of Causley M. Lewis.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House of Representatives:

No 119. An act providing for the better preservation of Legislative papers,

Without amendment; also,

The Senate have concurred in the amendments of the House of Representatives to bill of the Senate No. 12.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate have passed the following engrossed bills thereof:

No. 96. An act to incorporate the Lafayette hydraulic company;

In which the concurrence of the House of Representatives is respectfully requested.

The bill in said message mentioned,

Was read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill thereof:

No. 75. An act relative to the northern division of the central canal;

In which the concurrence of the House of Representatives is respectfully requested.

The bill in said message mentioned,

Was read a first time, and ordered to a second reading.

#### BILLS INTRODUCED.

By Mr. Stapp,

No. 331. A bill relating to interest;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Clements,

A bill amendatory of the third section of chapter fifty, of the Revised Laws of 1843;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Slater,

No. 334. An act to incorporate the Lawrenceburgh and Rushville turnpike company;

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

By Mr. Osborn of Laporte,

No. 336. An act to authorize the sale of certain school lands in township thirty-six, range two west, in Laporte county;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Cookerly,

No. 339. An act to repeal part of a certain act therein named, and for other purposes:

Was read a first and second times, the rules being suspended, and referred to the committee on elections.

By Mr. Parker,

No. 340. An act authorizing the superintendent of the Wabash and Erie canal to employ an engineer;

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

By Mr. Leyman,

No. 341. An act to explain certain sections of the Revised Statutes;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

On motion by Mr. Stapp,

The vote taken on bill of the Senate

No. 133. An act for the relief of Isaac Cowen and George Coonrod, of Pike county,

Was reconsidered;

And said bill was referred to a select committee of Messrs. Logan, Shanks, and McDonald.

By Mr. Dowling,

No. 333. A bill to declare a misprint in a certain case.

By Mr. Hinchman,

No. 335. An act for the relief of James Kitchens.

By Mr. Kimberlin,

No. 337. An act for the collection of road tax, in the county of Hamilton.

By Mr. Mickle,

No. 338. A bill to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1845.

By Mr. Jones,

No. 342. An act for the relief of Lucinda Sparks, of Floyd county.

By Mr. Wiley,

No. 343. An act to authorize the State to take possession of the White Water Valley Canal, and for other purposes.

By Mr. Wiley,

No. 344. A bill to authorize the levying of a road tax in the county of Franklin.

By Mr. Carr,

No. 346. A bill to amend the school law.

By Mr. Blackwell,

No. 347. An act to amend the law regulating duties of supervisors of roads.

By Mr. Kimberlin,

No. 348. An act to extend the time of the commissioner's court, in the county of Hamilton;

Were each severally read a first time, and ordered to a second reading.

## PETITIONS AND MEMORIALS PRESENTED.

By Mr. Hazlerigg,

A petition asking that a certain road therein named, may be made a State road;

Which was referred to the committee on roads.

By Mr. Smith,

A petition for the passage of an act for the benefit of Samuel Hoge;

Which was referred to a select committee of Messrs. Smith, Huff, and Slater, and,

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

## SATURDAY MORNING, JANUARY 3, 1846.

The House met pursuant to adjournment.

Mr. Wise moved a call of the House;

Which was seconded,

And after some time spent therein,

The further call was suspended, and,

On motion by Mr. Shanks,

The reading of the journal of Friday, the 2d inst., was dispensed with.

## PETITIONS AND MEMORIALS PRESENTED.

By Mr. Osborn of Sullivan,

A petition from sundry citizens of Sullivan county, asking that the channel of Turtle creek, in said county, may be changed at a certain point therein named;

Which was referred to a select committee of Messrs. Osborn of Sullivan, Wilson of Sullivan, and Wiley.

By Mr. Mickle,

A petition on the subject of "hog killing in the woods;"

Which was referred to the committee on agriculture.

By Mr. Wilson of Noble,

A petition asking for a State road;



Which was referred to a select committee of Messrs. Wilson of Noble, Tedford, and Morrow.

Mr. Moore made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of S. S. Rooker, for painting done on the State House in the year 1845, have, according to order had the same under consideration, and have directed me to report the following resolution, and recommend its passage.

*Resolved*, That the committee on ways and means be instructed to incorporate in the specific appropriation bill, an allowance to S. S. Rooker, two hundred and eighteen dollars and eighty eight cents, for painting done by him on the State House in 1845.

Which report was concurred in.

Mr. Moore made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the memorial of Joseph Irwin of Marion county, on the subject of covering the State House with sheet tin, and repairing and soldering the same; and also for days' work done and making a scaffold thereto, and materials furnished, have according to order had the same under consideration, and have directed me to report the following resolution, and recommend its passage.

*Therefore resolved*, That the committee on ways and means be instructed to incorporate in the specific appropriation bill, the following allowance to Joseph Irwin, the balance coming to him for work done on the State House, and materials furnished as follows, to-wit; being, after deducting out the amount he has received, seven hundred and seventeen dollars, and forty-two cents, being the full amount due said Joseph Irwin, for said work.

Which report was concurred in.

Mr. Moore made the following report:

MR. SPEAKER:

The committee on claims to whom was referred the claim of G. W. Shearn for taking the zinc off the cornice of the State House, and for making two trussels, have according to order had the same under consideration, and have ordered me to report the following resolution, and recommend its passage.

*Resolved*, That the committee on ways and means be instructed to incorporate in the specific appropriation bill, an allowance of

eleven dollars to G. W. Shearn for work done on the State House, in 1845.

Which report was concurred in.

Mr. Carr made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred House bill, No. 213, have had the same under consideration, and have directed me to report the same back to the House with one amendment, to-wit; strike out from the enacting clause, and insert the following, which is a new bill.

Which was adopted.

And said bill ordered to be engrossed for a third reading.

Mr. Parker made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition of Thomas Daniels and others, praying for relief in certain cases therein named, have had the same under consideration, and have directed me to report the following bill and recommend its passage, and your committee would ask to be discharged from the further consideration thereof.

No. 350. A bill for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased ;

Was read a first time, and ordered to a second reading.

Mr. Hazelrigg made the following report :

MR. SPEAKER :

The select committee to whom was referred bill of the House No. 292, "for the relief of Jacob Jones, sen.," have had that subject under consideration, and made one amendment thereto, and when so amended, respectfully recommend its passage, and ask to be discharged from the further consideration thereof.

Which amendment was adopted, and

Said bill was ordered to be engrossed for a third reading.

Mr. Smith made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Fulton county, praying the passage of a law authorizing

a certain man to build a dam, &c., have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 351. An act to authorize Samuel J. Hoge to construct a mill dam across the Tippecanoe river, in Fulton county;

Was read a first time, and ordered to a second reading.

Mr. Tedford made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Carroll county, praying for the passage of a law authorizing the county commissioners of Carroll county to make a certain appropriation therein named, have had the same under consideration, and have directed me to report the following bill, and recommend its passage; and respectfully ask to be discharged from the further consideration of the subject:

No. 345. A bill to authorize the contractors [commissioners] of Carroll county to make a certain appropriation therein named;

Was read a first time, and ordered to a second reading.

Mr. Clymer made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Northern Indiana, praying for a grant of public lands to aid in the construction of the Buffalo and Mississippi railroad, have had that subject under consideration, and have directed me to report the following joint resolution and recommend its passage; and said committee ask to be discharged from the further consideration of the subject:

No. 352. A joint resolution in relation to the Buffalo and Mississippi railroad;

Was read a first time, and ordered to a second reading.

Mr. Mooney, on leave granted, made the following report:

MR. SPEAKER:

The committee on the affairs of the State prison, to whom was submitted a proposition of Mr. Simon Bottorff, for a lease of the new State prison, have had the same under consideration, and a majority of the committee have directed me to submit the following report:

The proposition of Mr. Bottorff is for the lease of the new penitentiary for the term of ten years after the expiration of the term

of the present superintendent. He offers to give bond with security for the punctual payment, in ten annual instalments, of the sum of eighty thousand dollars, for the rent of the establishment and the labor of the convicts. He furthermore agrees to pay the expense incurred in the clothing and sustenance of the convicts, and affording them religious instruction. The convicts are to be employed in the rolling of iron, and other manufactures, and the internal policy to be regulated by such rules as the Governor or the Legislature may direct. He reserves the right of removing, at the expiration of his lease, such machinery as he may have erected.

The above statement comprises substantially the terms offered by Mr. Bottorff. As they alter in some essential particulars the plan adopted by the existing law, they have been considered by the committee with that attention which their importance was so well calculated to command. The majority of the committee are clearly of the opinion that the proposition should not be entertained by the General Assembly.

Should the State abolish the office of superintendent, and place the institution in the hands of lessees, it would be obviously proper that public notice should be given, and sealed proposals received, with the view of inviting competition, and securing the most advantageous terms to the State. This practice is adhered to in other cases where the State wishes to form a contract on the most favorable conditions, and its propriety is sustained alike by her regard for her own interests, and by the equal opportunities it affords to all of our citizens who may wish to invest their means in public contracts. Your committee can see no valid reason why a practice so unexceptionable should in this instance be departed from.

By a reference to the official account of the assets of the institution, appended to the report communicated by the Auditor of State to the General Assembly of this session, the average profits of the penitentiary can be readily ascertained. From the statement furnished by the clerk of the prison to that officer, in compliance with the provisions of the statute, it appears that the assets of the institution, on the first day of October, A. D. 1845, after deducting all liabilities, amounted to eighty-three thousand five hundred and eighty-two dollars and forty-nine cents. This item exhibits the nett proceeds from the fourteenth day of June, 1841, a period of about four years three months and a half. The State being entitled to an equal share of the profits, the amount to which she would be annually entitled, is from nine to ten thousand dollars, being from from one to two thousand dollars more than the proposal of Mr. Bottorff. It is also well known, that during the term of the present superintendent, the value of labor and the profits of industry have been seriously affected by the depression which has prevailed in the monetary affairs of the country, and by the diminished prices of the productions of agriculture. It is confidently believed that the profits of the establishment will be greater for the

next five years, than they have been for the last. The State, by acceding to the proposition, would thus sustain a pecuniary loss; and this fact alone constitutes, in the opinion of the committee, a fatal objection to it.

The State should not so legislate as to promote a private at the expense of a public interest.

The proposition fixes the period of ten years for the duration of the lease. Should the State accept it, it will not be in her power to alter or rescind it, unless in pursuance of a right expressly reserved. No such right is contemplated to be granted to the State by the terms of the proposition. The institution will then, for the next ten years, be in the hands of a private citizen, who, while he pays only a stipulated sum to the State, will be interested in making the labor of the convicts a source of individual emolument. Should the State in the mean time desire to take the institution into her own hands, it will not be in her power, consistently with the terms of the contract, to do so. The majority of the committee conceive that neither the character nor interests of the State will be consulted by acceding to the proposition.

The majority of the committee have confined themselves in this report to the consideration of the proposals of Mr. Bottorff; and they regret that, owing to the pressure of their other public duties, they have done the subject but limited justice. The committee are unanimously of the opinion as to the inexpediency of the State, at this time, taking the institution into her own hands; and their report will be submitted at an early day to the consideration of the House.

The majority of the committee are of the opinion that they would take a narrow and mistaken view of the duty of the State, were they to regard the penitentiary chiefly with a view to the amount of revenue to be derived from it. They are aware that the institution is connected with the administration of public justice. Confinement at hard labor within its walls, is the prescribed punishment for offences of an aggravated nature.

Its discipline and government are therefore subjects of vital importance. They regard alike the faithful execution of those legislative provisions that have been enacted to secure the peace of society and the rights of person and property, as also those unfortunate individuals who are subjected to the penalties which the laws impose upon convicted guilt. Upon the habitual maintenance of a rigid though humane discipline, depends the success of the institution, and the solution of the problem, whether it may not be the means of reformation as well as punishment, or whether the destiny of the convict, when he leaves its walls, is to be that of an embittered outcast, at war with society, without hope or moral sensibility, and prepared for a bolder career of crime.

The majority of the committee do not deem it necessary to discuss in this report any of those interesting questions connected with



the discipline and government of the prison. They are not pertinent to the discussion of the merits of the proposition; but the committee, in their deliberations, have not lost sight of them.

The majority of the committee, for the reasons above stated, would respectfully report to the House that they deem it inexpedient to accept the proposition submitted by Mr. Bottorff to the General Assembly; and ask to be discharged from its further consideration.

Which was,

On motion by Mr. McDonald,  
Laid upon the table.

#### BILLS INTRODUCED.

By Mr. Stanfield,

No. 353. An act amendatory of an act entitled "An act incorporating the town of South Bend, in St. Joseph county, Indiana," approved January 15, 1844, and for other purposes;

By Mr. Stanfield,

No. 354. An act supplementary to an act to incorporate the South Bend manufacturing company, approved December 28, 1842;

By Mr. Stanfield,

No. 355. An act to vacate a part of the town of Independence, in St. Joseph county;

By Mr. Turner,

No. 356. A bill to legalize the judicial acts of John F. Merrill, late a justice of the peace in Huntingdon county;

By Mr. Rippey,

No. 357. A bill to amend section 27, chapter 7, Revised Statutes 1843, in relation to allowances by county commissioners to sheriffs by county boards;

By Mr. Lowe,

No. 358. A bill relative to the fees of auditor of Monroe county;

By Mr. Lowe,

No. 359. A bill to incorporate the Philomathean Society of Indiana University;

Were each read a first time, and ordered to a second reading.

By Mr. Sleeth,

No. 360. An act to amend the act in relation to suits at law, and the proceedings therein;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee;

By Mr. Huff,

No. 361. A bill in relation to collectors of State and county revenue;

Was read a first time, and ordered to a second reading.

The House then resolved itself into a committee of the whole on bill

No. 91. An act abolishing capital punishment ;

With Mr. Moore in the chair ;

And after some time spent therein, the committee rose, and

Mr. Moore reported that the committee have had said bill under consideration, but had not come to any definite conclusion, nor adopted any resolution or amendment, and respectfully requested leave to sit again ;

Which leave was granted by the House.

Mr. Secrest, the rules being suspended, from the committee to whom was referred the communication of Mr. Butler, agent of our foreign bondholders, made a report on that subject, accompanied with the following bill :

No. 362. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville ;

Was read a first and second times, the rules being suspended, when said report and bill were,

On motion by Mr. Secrest,

Laid upon the table ; and,

On motion by Mr. Dowling,

Five hundred copies were ordered to be printed.

The rules being suspended,

On motion by Mr. Hall of Gibson,

*Resolved*, That the report of the standing committee on the State prison,—the minority report,—together with all the documents and evidence in relation to the conduct of the superintendent and clerk of that institution, be referred to the select committee to which was referred the joint resolution of this House in relation to said officers. And,

On motion,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met.

The House then resolved itself again into a committee of the whole on the special order of the day, bill No. 91, with

Mr. Moore in the chair ;

And after some time spent therein, the committee rose, and

Mr. Moore reported that the committee have again had that subject under consideration, and have adopted the following resolution, in which the concurrence of the House is respectfully requested.

Strike out from the enacting clause and insert the following :

That any person who shall be duly convicted of any of the several crimes particularly set forth and designated in the first, second, third and fourth sections of the first article of chapter fifty-three of the Revised Statutes of 1843, shall suffer death or be imprisoned in the State prison and kept at hard labor during life, and the jury enquiring of the guilt of the party accused shall assess and fix the punishment to be inflicted upon the offender as in other criminal cases.

SEC. 2. That so much of said first, second, third and fourth sections of the first article of said chapter fifty-three, and so much of section fifty-nine, of chapter fifty-four, of the Revised Statutes of 1843, as conflicts with the foregoing section of this act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication.

Which amendment was adopted by the House.

Mr. Carr offered the following amendment:

SEC. —. This act shall not take effect or be in force for twelve months after its passage.

Which was not adopted.

Mr. Lowe moved to recommit the bill with the following instructions:

That in the trial of any person for any of the several crimes particularly designated in the first, second, third and fourth sections of the first article of chapter fifty-three, of the Revised Statutes of 1843, if the jury find such person guilty, they may in their discretion say in their verdict whether such person shall suffer death, or in lieu thereof shall be imprisoned in the State prison during life; and also, in their discretion, whether such imprisonment shall be at *hard labor* or at hard labor in *solitary confinement*; and may also, if they think proper, say that such convicted person shall be kept first in solitary confinement for a certain period, and after the expiration of such period, at hard labor during the residue of such person's life. And that so much of said Revised Statutes as comes within the purview of such discretion as is by this act given be, and the same is hereby repealed.

Which motion did not prevail.

The question then being,

"Shall the bill be engrossed and read a third time on to-morrow?"

On this Messrs. Monroe and Tedford demand the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Cameron, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Cruikshank, Davis, Dole, Edwards, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazlerigg, Herron, Hill, Hinchman, Huff, Jones, Julian, Kerr, Lanius, Leyman, Legg, Lew-

is, Logan, Lowe, McCormack, McDonald, McRae, Meeker, Mickle, Mooney, Morrow, Nelson, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Rousseau, Ruby, Secrest, Shanks, Slater, Sleeth, Smith, Snook, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Turner, Vandever, Watt, Webber, Wilson of Marion, and Wise—73.

*Those who voted in the negative are,*

Messrs. Bowman, Brumfield, Carr, Coon, Ellis, Henry, Henton, Jackson, Monroe, Moore, Robinson, Seawright, Tedford, Webb, Wiley, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—19.

So said bill was ordered to be engrossed.

Mr. Hazelrigg moved that the rules be suspended, and the bill be read a third time now;

Which motion prevailed.

The bill was then read, and on its passage,

Messrs. Moore and Tedford demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Cameron, Carnan, Carter, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Cruikshank, Davis, Dole, Edwards, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Herron, Hill, Hinchman, Huff, Jones, Julian, Kerr, Lanius, Leyman, Legg, Lewis, Logan, Lowe, McCormack, McDonald, McRae, Meeker, Mickle, Mooney, Morrow, Nelson, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Powers, Riley, Rippey, Rousseau, Ruby, Secrest, Shanks, Slater, Sleeth, Smith, Snook, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Turner, Vandever, Watt, Webber, Wilson of Marion and Wise—73.

*Those who voted in the negative are,*

Messrs. Bowman, Brumfield, Carr, Coon, Ellis, Henry, Henton, Jackson, Lemmonds, Monroe, Moore, Robinson, Seawright, Tedford, Webb, Wiley, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—20.

So said bill passed.

Said bill was,

On motion by Mr. Julian,

Amended in the title as follows;

"An act relative to the punishment of treason and murder in the first degree."

*Ordered*, That the Clerk inform the Senate thereof.

The rules being suspended,

Mr. Slater presented the remonstrance of sundry citizens of Dearborn county against the repeal of the act for the formation of Ohio county;

Which was referred to the same select committee who have that subject under consideration.

#### ORDERS OF THE DAY.

##### SENATE BILLS ON THIRD READING.

No. 22. An act for the relief of settlers upon the Wabash and Erie canal lands;

No. 28. An act to incorporate the Rising Sun Manufacturing Company;

No. 94. An act to amend an act entitled "An act incorporating the Dearborn county Cotton Manufacturing Company, and for other purposes," approved February 11, 1843;

No. 118. A bill to incorporate the Wabash Navigation Company;

No. 123. An act to amend an act entitled "An act to provide for erecting a bridge across Laughery creek in Ripley county," approved January 8th, 1845;

No. 132. An act for the leveeing Shaker prairie on the Wabash river;

No. 134. An act vacating a part of Howard Street, and certain alleys in West Richmond;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

##### HOUSE BILLS ON THIRD READING.

No. 65. An act to attach certain territory therein named to the county of Jennings;

Which was amended in the title, as follows; "for road purposes."

No. 139. An act to amend the 1st article of the 53d chapter of the Revised Laws of 1843, and for other purposes;

No. 166. An act to amend an act entitled "An act to incorporate the Vevay and Napoleon Turnpike Company," approved January 15, 1844;

No. 184. An act to incorporate the White River Slack Water Navigation Company;

Which was amended in the title, as follows; "Slackwater," being struck out.



No. 205. An act to amend an act entitled "An act to incorporate the Michigan Road Company, south of Indianapolis;

No. 225. An act to incorporate the Hoosier Band of Greenfield;

No. 299. An act for the relief of Susan Whealey, of Hamilton county;

No. 305. A bill for the relief of Robert Stockwell of Gibson county;

No. 308. An act legalizing the acts of certain justices of the peace in Allen county;

No. 310. An act in relation to the granting of tavern licenses in the county of Cass;

No. 311. An act amendatory of the 3d article, 16th chapter, section 90, of the Revised Statutes of 1843, so far as relates to the counties of Cass and Tippecanoe;

No. 313. A bill for the relief of Martha Jane Van Dusen, of Vanderburgh county;

No. 316. An act authorizing district township trustees to administer oaths in certain cases;

No. 283. An act allowing the commissioner of the Wabash and Erie canal to employ an engineer, and for other purposes;

No. 318. An act relative to apprentices;

No. 285. An act granting the right of way to a company, to construct a rail or turnpike road therein named, in Vermillion county;

No. 312. An act declaratory of an act herein referred to;

No. 317. An act for the relief of the heirs of Henry Stephenson, deceased, late of Boone county;

No. 296. An act to locate a State road in the counties of Miami and Madison;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 325. An act to relocate a part of a certain State road in Marion county;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS ON SECOND READING.

No. 75. An act relative to the northern division of the Central canal;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 96. An act to incorporate the Lafayette Hydraulic Company;

Was read a second time and referred to the committee on corporations.

## HOUSE BILLS ON SECOND READING.

No. 319. A bill for the payment of Mary Wood and others, for damages recovered by them against the State for injury to their lands by the construction of the Jeffersonville and Crawfordsville road;

No. 320. An act for the relief of messengers to notify electors for president and vice president of the United States;

No. 321. A bill to establish a State road in the counties of De Kalb and Allen;

No. 322. An act to authorize Aaron K. Sayre and Daniel Sayre, to build a dam across the Mississinewa river, in Wabash county;

No. 323. A bill to require certain statutes to be published in some newspaper at Indianapolis, and for other purposes;

No. 327. An act to divorce Peter Jonson and Mary Jonson;

No. 328. A bill to divorce Mary Ann Banks from her husband Henry Banks;

No. 333. A bill to declare a misprint in a certain case;

No. 335. An act for the relief of James Kitchoon;

No. 337. An act for the collection of road tax in the county of \_\_\_\_\_;

No. 338. A bill to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1845;

No. 344. An act to authorize the levy of a road tax in the county of Franklin;

No. 347. An act to amend the law regulating duties of supervisors of roads;

No. 348. An act to extend the time of commissioner's court, in the county of Hamilton;

Which was amended by adding the county of "Laporte," and said bills were each read a second time, and ordered to be engrossed for a third reading;

No. 324. A bill to amend the execution laws.

Mr. Moore moved to amend as follows;

"By extending the benefits of appraisement to personal property, the same as real estate,"

Pending which,

On motion,

It was referred to the judiciary committee.

No. 343. A bill to authorize the State to take possession of the White Water canal, and for other purposes;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 346. A bill to amend the school laws;

Was read a second time, and

On motion,

Laid on the table.

No. 330. An act to amend the several acts providing for the pre-

servation of the State House, State Library, and Legislative papers;

Was amended by Mr. Julian, and

Mr. Stapp moved that the blank be filled by inserting "five hundred;"

Which was adopted;

And said bill ordered to be engrossed for a third reading.

No. 328. A bill to divorce Mary Ann Banks from her husband, Henry Banks;

Was read a second time, and ordered to be engrossed.

No. 342. An act for the relief of Lucinda Sparks, of Floyd county;

Was read a first and second times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed bills of the House of Representatives without amendment:

No. 192. An act in relation to supervisors of roads in the counties of Kosciusko and Whitley;

No. 177. An act for the relief of James Rutherford;

No. 135. An act for the relief of William J. Chaplin;

No. 128. An act declaring a certain road in the county of Dearborn a State road.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 67. An act to apportion Senators and Representatives for the next five years;

No. 70. An act reducing the salary of the auditor of Putnam county;

No. 89. An act in relation to the Wabash and Erie canal lands;

No. 76. An act to amend an act relative to the school fund in Lagrange county;

No. 46. An act repealing the law allowing certain fees to county auditors;

No. 71. An act to incorporate the Crawfordsville and Wabash railroad company;

No. 53. An act to provide for the continuation of the Madison and Indianapolis railroad to Lafayette;

No. 106. An act abolishing the road tax in the county of Daviess;

No. 109. An act in relation to county auditors;

No. 126. An act for the relief of Martin Fitzpatrick, of Daviess county;

No. 129. An act to vacate sixteen lots in the town of Harrisonville;

No. 137. An act to revive and amend a certain act therein named;

No. 148. An act to provide for the distribution of certain public documents;

In which the concurrence of the House of Representatives is respectfully requested.

Nos. 67, 70, 89, 76, 46, 53, 106, 109, 126, 129, 137, and 148 in said message mentioned,

Were each read a first time, and ordered to a second reading.

No. 71, was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Nelson, Ellis, and Tedford; and

On motion,

The House adjourned until Monday morning, at 9 o'clock.

---

## MONDAY MORNING, JANUARY 5, 1845.

The House met pursuant to adjournment.

### PETITIONS, &c. PRESENTED.

By Mr. Henton,

A petition from sundry citizens of Miami county in relation to repealing section 3, chapter 28, and section 5, chapter 66, of the Revised Laws of 1843; and, also, chapter 33, entitled "An act relative to suits against Miami Indians," approved February 11, 1843;

Which was referred to a select committee of Messrs. Henton, Taber, and Smith.

By Mr. Yocum,

A petition from sundry citizens of Clay county in regard to the boundary line of a certain school district therein named;

Which was referred to a select committee of Messrs. Yocum, Moore, and Secrest.

By Mr. Leyman,

The memorial of Rufus A. Lockwood;

Which was referred to a select committee of Messrs. Leyman, Webber, and Lowe.

By Mr. Tomlinson,

The petition of sundry citizens of Delaware county, praying for the repeal of a law in regard to the fees of the auditor of said county;

Which was referred to the committee on ways and means.

By Mr. Arnold,

A petition for the location of a certain State road in Bartholomew and Decatur counties;

Which was referred to a select committee of Messrs. Arnold, Hill, and Robinson.

By Mr. Tedford,

A petition from Carroll county for the appointment of certain persons therein named, as supervisors on the Delphi and Frankfort road;

Which was referred to a select committee of Messrs. Tedford, Nelson, and Ellis.

By Mr. Carnan,

The memorial of James S. Mayes, late school commissioner of the county of Knox, asking for relief;

Which was referred to a select committee of Messrs. Carnan, Edwards, and Carr.

By Mr. Tedford,

A petition to exempt mechanics' tools and professional men's libraries from execution;

Which was referred to a select committee of Messrs. Tedford, Snook, and Carr.

By Mr. Tedford,

A petition in regard to the boundary line between Carroll and Richardville counties;

Which was laid upon the table.

By Mr. Morrow,

Two petitions asking for the abolishment of capital punishment;

Which were laid upon the table.

By Mr. Chambers,

The petition of E. J. Peck for the new survey of certain land adjoining the town of Indianapolis;

Which was referred to a select committee of Messrs. Chambers, Davis, and Wilson of Marion.

By Mr. Mickle,

A petition for a State road from the St. Mary's river, on the State line, to the Wabash and Erie canal;

Which was referred to the committee on roads.

By Mr. Tomlinson,

The petition of the children of Jacob Peyton, an insane person of Delaware county;

Which was referred to the judiciary committee.

By Mr. Riley,

The Petition of Solomon Hull and seventy-four others, citizens of



Hancock and Henry counties, in regard to certain school districts in said counties ;

Which was referred to a select committee of Messrs. Riley, Cameron, and Henry.

By Mr. Julian,

A petition for the incorporation of the town of Hagerstown ;

Which was referred to a select committee of Messrs. Julian, Legg, and Chambers.

By Mr. Julian,

A petition for a turnpike from Newcastle to Hagerstown ;

Which was referred to a select committee of Messrs. Julian, Davis, and Ruby.

By Mr. Turner,

A petition of sundry citizens of Wells and Huntington counties, in relation to roads ;

Which was referred to the committee on roads.

By Mr. Julian,

A remonstrance from sundry citizens of Wayne county against the transfer of a certain portion of that county to the county of Union ;

Which was referred to the same select committee who have the bill for that purpose under consideration.

By Mr. McDonald,

A petition in regard to the granting of licenses to retail liquors in Porter county ;

Which was referred to the judiciary committee.

By Mr. Morrow,

A petition for the location of a State road from Jonesborough, in Grant county, to a certain point in Richardville county ;

Which was referred to the select committee who have that subject under consideration.

By Mr. Lowe,

A petition for the formation of a new county out of parts of Knox, Daviess and Greene counties ;

Which was referred to a select committee of Messrs. Lowe, Hazeltigg, Lanius, Edwards, Carnan, Rousseau and Clements.

By Mr. Jackson,

A petition for the relief of Jacob Whisler ;

Which was referred to a select committee of Messrs. Jackson, Kimberlin and Powers.

By Mr. Morrow,

A petition from Grant county, asking that the law requiring bond and security of colored persons who emigrate to this State, may be repealed ;

Which was referred to a select committee of Messrs. Morrow, Endecott and Cornelius.

Mr. Cruikshank made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred bill No. 339 of the House, an act entitled "An act to repeal part of a certain act therein named, and for other purposes," a majority of said committee have directed me to report the same back and recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. McDonald made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a bill of the House, No. 202, entitled "A bill to amend the Revised Statutes of 1843, relative to stock and exchange brokers, and for other purposes," have had the same under consideration, and directed me to report it back to the House, without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

Which report was not concurred in.

And said bill, No. 202, was laid upon the table.

Mr. Porter made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred bill of the House, No. 276, entitled "A bill relative to the jurisdiction of justices of the peace," have had the same under consideration, and have struck it out from the enacting clause and inserted in lieu thereof the following bill, which they have directed me to report to the House :

Which amendment was concurred in.

And said bill, No. 276, was ordered to be engrossed for a third reading.

Mr. Henry made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred bill of the House, No. 309, have had the same under consideration, and direct me to report the same back to the House, and ask its indefinite postponement.

Which was concurred in.

And said bill, No. 309, was indefinitely postponed.

Mr. Hazelrigg made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred the petition of sundry citizens of Boone and Hendricks counties, relative to declaring a county road a State road, have had that subject under consideration, and directed me to report the following bill, recommend its passage, and ask to be discharged from the further consideration thereof.

No. 363. An act declaring a road therein named a State road ;  
Which was read a first time, and ordered to a second reading.  
Mr. Nelson made the following report :

MR. SPEAKER :

The select committee to whom was referred bill of the Senate, No. 71, have had the same under consideration, and have directed me to report the same back to the House, with one amendment, and recommend its passage, and ask to be discharged from a further consideration thereof.

Which amendment was adopted.

No. 71. An act to incorporate the Crawfordsville and Wabash railroad company ;

Was read a second time, and ordered to a third reading.

Mr. Ellis made the following report :

MR. SPEAKER :

The select committee to whom was referred bill 119 of the Senate, have had the same under consideration, and have directed me to report back the same, without amendment, and respectfully recommend its passage, and ask to be discharged from further consideration of the subject.

No. 119. An act to provide for the continuation of the Madison and Indianapolis railroad to Pendleton, Huntsville and Anderson-town ;

Was read a second time, and ordered to a third reading.

Mr. Hazelrigg made the following report :

MR. SPEAKER :

The select committee, to whom was referred the resolution of the House instructing them to enquire into the propriety of providing a fund

for the extinguishment of the State debt, and to prepare and report a table showing the accumulative capacity of such a fund at five per cent. per annum for any number of years up to thirty, and showing also the result of such a fund forborne for a given period, and compounded at the same rate, would report that they have prepared a table such as that required in the resolution, which is referred to and made part of this report, marked A. As to the expediency and propriety of providing a fund for the extinguishment of the State debt, they do not entertain a doubt, and the result shown by the table referred to, is in their opinion conclusive. By an inspection of the table it will manifestly appear, that if the State owed \$100,000 per annum as interest, and instead of providing the means of payment were to rely upon borrowing money to pay it, she will at the end of thirty years have increased her debt by the payment of interest alone, to \$6,976,057; whereas, by providing an annuity of \$100,000, and continuing and re-investing it for thirty years, at the end of that time the State would be prepared to pay off a debt of \$6,976,057. By the first operation the State would lose in interest alone, \$3,976,057, and by the second, she would save that sum, making a difference of \$7,952,114. Need any doubt as to which would be the most prudent course? But it may be objected that such a fund could not be managed to advantage, and that it would be impossible to re-invest and compound it so as to realize the amount. By dealing in the bonds of our own and other States of undoubted credit, and in exchange when the fund would afford the means, your committee believe these objections may be removed, and the extinguishment of our State debt effected without burthening the people with oppressive taxation. The calculations have been made at five per cent. in accordance with the instructions of the resolution, but the committee are of opinion that that is the lowest per cent. that could under any circumstances, unless they were unusually and unexpectedly adverse, be expected; while under ordinary circumstances and management, from seven to nine per cent. might be realized.

The calculations in the table marked A, are based upon the assumption that the several instalments of \$100,000 each are payable at the commencement of each year, and the interest at the end of the year, as numbered in the margin; the first instalment, therefore, will amount to \$105,000, principal and interest, at the end of the first year. At the commencement of the second year, the second instalment is assumed to be paid—making the total amount to be put at interest for that year \$205,000, the interest on which will be \$10,250, and this added to the principal gives the accumulated amount at the end of the second year \$215,250. At the commencement of the third year the third instalment is assumed to be paid, making the total amount placed at interest for that year \$315,250—the interest on which is \$15,762; accumulated amount at the end of three years \$331,012, and so on for the series.

The columns headed 1st, 2d, 3d, &c., show the interest for each

annuity separately. The columns on the right show the aggregate of interest and principal, and the sum of both, or the sum of the several accumulated amounts of interest on all the annuities, (given separately in the horizontal lines,) added to the whole amount of principal paid in for any number of years in the margin, from the time of the payment of the first instalment.

Take for example ten years. The interest on the first instalment or annuity is \$62,889; on the second \$55,132; on the third, \$47,745; and so on in the horizontal line, the aggregate amount of interest as carried out in the first of the right hand columns is \$320,675; the ten instalments paid in is \$1,000,000; and the aggregate amount of principal and interest is \$1,320,675, and so on for any other period.

The columns headed 1st annuity, 2d, 3d, &c., also exhibit the amount of compound interest accruing upon a single sum of \$100,000 at five per cent. for any number of years in the marginal column, to which if is added the principal, the result will show the aggregate amount. For example: the interest for twelve years is \$79,585, to which add the principal, \$100,000, and the accumulated amount at the end of that period is \$179,585; for twenty-four years the interest is \$222,509, and the amount of principal and interest is \$322,509; for thirty years the interest is \$332,193, and principal and interest \$432,193.

Should the amount of any greater or lesser sum or annuity be required under the above condition, it may be ascertained by direct proportion. For instance, \$50,000 will produce one half the amount that \$100,000 will, and \$200,000 double the amount. An annuity of \$450,000 will in thirty years produce \$31,392,255, and our State debt for the payment of the interest on which there is no provision will amount to \$30,553,920 in the same time, if there is no provision made for the payment of the interest; but if the interest is provided for, an annuity of \$100,000 managed upon the principle laid down in the table will redeem the principal in thirty-eight years, and leave a surplus of \$219,083; but if the annuity was at six per cent. instead of five, it would pay the principal of the debt in thirty-four years, and the committee think it entirely probable that the fund could be invested in stocks that would even yield more.

Should the Legislature think proper to create a sinking fund at this time, (of the propriety of which the committee have no doubt if it can be done without onerous taxation,) and keep it supplied with a constant and sufficient income, the commissioners thereof might at the present depreciated value of the stocks of some of the States, make an investment that would be equal to from twenty to thirty per cent., an operation that would not only be both laudable and justifiable, but entirely unexceptionable, and by which we would be enabled to extinguish the principal of our State debt in a much shorter time than either of the periods above stated. In order to raise an annuity of \$100,000, it would only require a poll tax of ten



cents on each poll, supposing the number of polls for the present year to be 130,000, and a property tax of six and one-fourth cents on the one hundred dollars, supposing that there will be \$140,000,000 of taxable property, and as the number of polls and the amount of property increases, the taxes could be lessened, or if kept at the same rate, would increase the resources of the sinking fund to a greater extent and thereby enable it the sooner to extinguish the debt.

In the present embarrassed condition of the finances of the State, the committee think that it would be improper to raise so large an annuity at first; but that we might commence by raising a smaller one, and increase it as circumstances and the ability of the State would justify. Should this be thought to be the most prudent course, the table hereto annexed marked B, and made part of this report, will show that an annuity of \$50,000 under the principles laid down in tables A and B will in five years at five per cent. amount to \$290,095; increase the annuity for the next five years to \$100,000, and at the end of the time (ten years,) the amount produced will be \$950,435; for the next five years let the annuity be increased to \$150,000, and the amount at the end of that time (fifteen years,) will be \$2,083,307; increase the annuity for the next five years to \$200,000, and at the end of that time (twenty years,) the fund will be increased to \$3,819,156; for the next five years let the annuity be increased to \$250,000, and at the end of the time (twenty-five years,) the fund will be \$6,324,802; then increase the annuity to \$300,000, and in seven years, or at the end of thirty-two years, (1878,) the fund will amount to \$11,464,365—being \$374,363 more than the unprovided for principal of our State debt. Thus it will be seen, that by an operation of this character, our State debt may be paid off in less than thirty-two years, and that without a resort to burthensome taxation—a thing much to be desired, and one that the people of the State will cheerfully aid in bringing about to the utmost of their means, and all that is necessary to induce them to lay hold of some plan is for them to see the way clear before them: but if there are doubts and uncertainties as to the result of any plan that may be adopted, it will be viewed with suspicion, worked to with diffidence, and consequently cramped and retarded in its operations.

The committee do not permit themselves to doubt for a moment but that there is not only a willingness but an anxiety on the part of the people of Indiana to extinguish, at the earliest practicable period, all their just and legal liabilities.

In order to raise the annuities as calculated in table B, it is supposed that the number of polls will increase 6,000 annually; the number the present year will be 130,000, and under a re-valuation of the real property of the State, we suppose that the taxable property will amount to \$140,000,000; should this be a correct supposition, five cents poll and three and one-fourth cents property tax will raise \$52,000; and supposing the increase of polls

to continue at 6,000 annually, and the increase of taxable property to be \$6,000,000 annually, in 1850 the number of polls will be 154,000, and \$164,000,000 worth of property, so that for the first five years, from 1846 to 1850 inclusive, an average of four and a half cents poll, and three cents property tax, will raise the annuity required for that period. In 1851, when the first annuity of \$100,000 will be to raise, ten cents poll and five cents property tax will raise \$101,000; in 1855, seven cents poll and four and one half cents property tax will raise \$100,100, so that an average of eight and one half cents poll, and four and three-fourth cents property tax will raise the annuity for the second term of five years, from 1851 to 1855 inclusive; for the third term of five years, from 1856 to 1860 inclusive, an average of six and one-eighth cents property tax will raise the annuity for that time—the annuity being \$150,000, without a resort to any poll tax whatever. For the fourth term of five years, from 1861 to '65 inclusive, the annuity is \$200,000, which can be raised by a property tax of less than eight and three-eighth cents average. For the fifth term of five years, from 1866 to 1870 inclusive, the annuity will be \$250,000, which will require an average of nine and one-fourth cents tax on the \$100 worth of property. From 1871 to '78 inclusive, a term of seven years, the annuity is \$300,000, which could be raised by a property tax of less than ten cents on the one hundred dollars. See table marked C accompanying and made part of this report.

The committee have not considered themselves authorized or required by the resolution to take into consideration the past, present, or future interest on our State debt; and as the providing for that part of our liabilities was in the hands of another committee, we have refrained from making any suggestion relative thereto.

All of which is respectfully submitted.

[*Here insert statement A.*]

7

6

5

2

2

0

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

to continue at 6,000 annually, and the increase of taxable property to be \$6,000,000 annually, in 1850 the number of polls will be 154,000, and \$164,000,000 worth of property, so that for the first five years, from 1846 to 1850 inclusive, an average of four and a half cents poll, and three cents property tax, will raise the annuity required for that period. In 1851, when the first annuity of \$100,000 will be to raise, ten cents poll and five cents property tax will raise \$101,000; in 1855, seven cents poll and four and one half cents property tax will raise \$100,100, so that an average of eight and one half cents poll, and four and three-fourth cents property tax will raise the annuity for the second term of five years, from 1851 to 1855 inclusive; for the third term of five years, from 1856 to 1860 inclusive, an average of six and one-eighth cents property tax will raise the annuity for that time—the annuity being \$150,000, without a resort to any poll tax whatever. For the fourth term of five years, from 1861 to '65 inclusive, the annuity is \$200,000, which can be raised by a property tax of less than eight and three-eighth cents average. For the fifth term of five years, from 1866 to 1870 inclusive, the annuity will be \$250,000, which will require an average of nine and one-fourth cents tax on the \$100 worth of property. From 1871 to '78 inclusive, a term of seven years, the annuity is \$300,000, which could be raised by a property tax of less than ten cents on the one hundred dollars. See table marked C accompanying and made part of this report.

The committee have not considered themselves authorized or required by the resolution to take into consideration the past, present, or future interest on our State debt; and as the providing for that part of our liabilities was in the hands of another committee, we have refrained from making any suggestion relative thereto.

All of which is respectfully submitted.

[*Here insert statement A.*]

TABLE A.

Years.	First Annuity.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.	Eleventh.	Twelfth.	Thirteenth.	Fourteenth.	Fifteenth.	Sixteenth.	Seventeenth.	Eighth.	Nineteenth.	Twentieth.	Twenty-first.	Twenty-second.	Twenty-third.	Twenty-fourth.	Twenty-fifth.	Twenty-sixth.	Twenty-seventh.	Twenty-eighth.	Twenty-ninth.	Thirtieth.	Aggregate of interest for each year.	Aggregate of principal for each year.	Aggregate amount of principal and interest.	Years.
30	\$332,193	\$311,612	\$292,012	\$273,345	\$255,566	\$238,635	\$222,509	\$207,151	\$192,525	\$178,595	\$165,329	\$152,694	\$140,661	\$129,201	\$118,287	\$107,892	\$97,993	\$88,584	\$79,585	\$71,033	\$62,889	\$55,132	\$47,745	\$40,710	\$34,009	\$27,628	\$21,550	\$15,762	\$10,250	\$5,000	\$3,976,037	\$3,000,000	\$6,976,037	30
29	311,612	292,012	273,345	255,566	238,635	222,509	207,151	192,525	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	3,643,864	2,900,000	6,543,864	29	
28	292,012	273,345	255,566	238,635	222,509	207,151	192,525	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	3,332,252	2,800,000	6,132,252	28		
27	273,345	255,566	238,635	222,509	207,151	192,525	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	3,040,240	2,700,000	5,740,240	27			
26	255,566	238,635	222,509	207,151	192,525	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	2,766,895	2,600,000	5,366,895	26				
25	238,635	222,509	207,151	192,525	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	2,511,329	2,500,000	5,011,329	25					
24	222,509	207,151	192,525	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	2,272,694	2,400,000	4,672,694	24						
23	207,151	192,525	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	2,050,185	2,300,000	4,350,185	23							
22	192,525	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	1,843,034	2,200,000	4,043,034	22								
21	178,595	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	1,650,509	2,100,000	3,750,509	21									
20	165,329	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	1,471,914	2,000,000	3,471,914	20										
19	152,694	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	1,306,585	1,900,000	3,206,585	19											
18	140,661	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	1,153,891	1,800,000	2,953,891	18												
17	129,201	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	1,013,230	1,700,000	2,713,230	17													
16	118,287	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	884,929	1,600,000	2,484,929	16														
15	107,892	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	765,742	1,500,000	2,265,742	15															
14	97,993	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	657,850	1,400,000	2,057,850	14																
13	88,584	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	559,857	1,300,000	1,859,857	13																	
12	79,585	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	471,293	1,200,000	1,671,293	12																		
11	71,033	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	391,708	1,100,000	1,491,708	11																			
10	62,889	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	320,675	1,000,000	1,320,675	10																				
9	55,132	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	257,786	900,000	1,157,786	9																					
8	47,745	40,710	34,009	27,628	21,550	15,762	10,250	5,000	202,654	800,000	1,002,654	8																						
7	40,710	34,009	27,628	21,550	15,762	10,250	5,000	154,909	700,000	854,909	7																							
6	34,009	27,628	21,550	15,762	10,250	5,000	114,199	600,000	714,199	6																								
5	27,628	21,550	15,762	10,250	5,000	80,190	500,000	580,190	5																									
4	21,550	15,762	10,250	5,000	52,562	400,000	452,562	4																										
3	15,762	10,250	5,000	31,012	300,000	331,012	3																											
2	10,250	5,000	15,250	200,000	215,250	2																												
1	5,000	5,000	100,000	105,000	1																													

[To follow page 356—House Journal.]





TABLE B.

<i>Years.</i>	<i>First Annuity.</i>	<i>Aggregate of interest for each year.</i>	<i>Aggregate of principal for each year.</i>	<i>Aggregate amount of principal and interest.</i>	<i>Years.</i>
32	\$545,122	\$5,614,365	\$5,850,000	\$11,464,365	32
31	505,640	5,068,443	5,550,000	10,618,443	31
30	467,276	4,562,893	5,250,000	9,812,893	30
29	430,739	4,095,527	4,950,000	9,045,527	29
28	395,942	3,664,788	4,650,000	8,314,786	28
27	362,802	3,268,844	4,350,000	7,618,844	27
26	331,240	2,906,042	4,050,000	6,956,042	26
25	301,181	2,574,802	3,750,000	6,324,802	25
24	274,934	2,273,621	3,500,000	5,773,621	24
23	249,937	1,998,687	3,250,000	5,248,687	23
22	226,131	1,748,750	3,000,000	4,748,745	22
21	203,458	1,522,614	2,750,000	4,272,614	21
20	181,864	1,319,156	2,500,000	3,819,156	20
19	163,680	1,137,292	2,300,000	3,437,292	19
18	146,267	973,612	2,100,000	3,073,612	18
17	129,873	827,345	1,900,000	2,727,345	17
16	114,165	697,472	1,700,000	2,397,472	16
15	99,205	583,307	1,500,000	2,083,307	15
14	87,338	484,102	1,350,000	1,834,102	14
13	76,036	396,764	1,200,000	1,596,764	13
12	65,272	320,728	1,050,000	1,370,728	12
11	55,021	255,456	900,000	1,155,456	11
10	45,259	200,435	750,000	950,435	10
9	38,342	155,176	650,000	805,176	9
8	31,754	116,834	550,000	666,834	8
7	25,480	85,080	450,000	535,080	7
6	19,505	59,600	350,000	409,600	6
5	13,814	40,095	250,000	290,095	5
4	10,775	26,281	200,000	226,281	4
3	7,881	15,506	150,000	165,506	3
2	5,125	7,625	100,000	107,625	2
1	2,500	2,500	50,000	52,500	1

TABLE C.

Polls, 1846—130,000 at 5 cents, - - - - -	\$6,500
Property, 1846—\$140,000,000, $3\frac{1}{4}$ cents, - - - - -	45,500
Total, - - - - -	<u>\$52,000</u>

Polls, 1850—154,000, 4 cents, - - - - -	\$6,160
Property, 1850—\$164,000,000, $2\frac{3}{4}$ cents, - - - - -	45,100
Total, - - - - -	<u>\$51,260</u>

Average for the above five years:

Poll tax, - - - - -	4 $\frac{1}{2}$ cents.
Property tax, - - - - -	3 cents.
Polls, 1851—160,000, 10 cents, - - - - -	\$16,000
Property, 1851—\$170,000,000, 5 cents, - - - - -	85,000
Total, - - - - -	<u>\$101,000</u>

Polls, 1855—184,000, 7 cents, - - - - -	\$12,880
Property, 1855—\$194,000,000, $4\frac{1}{2}$ cents, - - - - -	87,300
Total, - - - - -	<u>\$100,180</u>

Average for the above five years:

Poll tax, - - - - -	8 $\frac{1}{2}$ cents.
Property tax, - - - - -	4 $\frac{3}{4}$ cents.
Property, 1856—\$200,000,000, $7\frac{1}{2}$ cents, - - - - -	\$150,000
Property, 1860—\$224,000,000, $6\frac{3}{4}$ cents, - - - - -	\$151,200

Average for the above five years:

Property tax, - - - - -	7 $\frac{1}{8}$ cents.
Property, 1861—\$230,000,000, $8\frac{3}{4}$ cents, - - - - -	\$202,750
Property, 1865—\$254,000,000, 8 cents, - - - - -	\$203,200

Average for the above five years:

Property tax, - - - - -	8 $\frac{3}{8}$ cents.
Property, 1866—\$260,000,000, $9\frac{3}{4}$ cents, - - - - -	\$253,500

Property, 1870—\$284,000,000, 8 $\frac{3}{4}$  cents, - - - \$248,500

Average for the above five years:

Property tax, - - - - - 9 $\frac{1}{4}$  cents.

Property, 1871—\$290,000,000, 10 $\frac{1}{2}$  cents, - - - \$304,500

Property, 1878—\$326,000,000, 9 $\frac{1}{4}$  cents, - - - \$301,550

Average for the above seven years:

Property tax, - - - - - 9 $\frac{7}{8}$  cents.

Which report was laid upon the table,  
Mr. Tedford made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following with the engrossed and find them correctly enrolled :

No. 27. A bill to authorize the auditor of Gibson county to make a deed in a certain case therein named ;

No. 114. A bill to repeal an act providing for the opening and repairing of roads and highways and streams in the counties of Bartholomew, Putnam, Owen, Henry and Perry, approved January 31, 1843, so far as the county of Bartholomew is concerned ;

No. 286. An act for the relief of Causby W. Lewis ;

No. 244. An act to authorize William M. Hughes and Willis Hodges to substitute their notes for those of Otis and William Page ;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

The House then resolved itself into a committee of the whole on the special order of the day, bill

No. 290. A bill to apportion senators and representatives for the next five years ; with

Mr. Hall of Gibson in the chair :

And after some time spent therein, the committee rose, and

Mr. Hall reported that the committee have, according to order, had that matter under consideration, and have adopted the following amendment, in which the concurrence of the House is respectfully requested :

Amend section four, 2d, 3d and 4th lines, so as to put Adams and Jay together, and Blackford and Wells together, for representative purposes ;

And the committee asked leave to sit again ;

Which was not granted ; and

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Speaker laid before the House a proposition from J. R. Pratt, present superintendent of the State prison ;

Which was,

On motion by Mr. Mooney,

Referred to the select committee of which Mr. Hall of Gibson is chairman.

The House then concurred in the amendment made by the committee of the whole to-day on bill No. 290.

Mr. McCormack moved a call of the House ;

Which was seconded.

Mr. Burns was excused attendance in the House on account of sickness.

The call was then,

On motion,

Suspended.

On motion by Mr. Davis,

The special order of the day, bill No. 290, was laid upon the table for the present.

#### ORDERS OF THE DAY.

#### BILLS OF THE HOUSE ON THIRD READING.

No. 213. An act to amend an act entitled "An act to provide for the continuance of all or any part of the public works by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer," approved January 28th, 1842 ;

No. 292. An act for the relief of Jacob Jones, Sen. ;

No. 319. A bill for the payment to Mary Wood and others, of damages recovered by them against the State, for injury to their lands by the construction of the Jeffersonville and Crawfordsville road ;

No. 320. An act for the relief of messengers to notify electors of President and Vice President of the United States ;

No. 321. An act to establish a State road in the counties of Dekalb and Allen ;

No. 322. An act to authorize Aaron K. Sayre and Daniel Sayre to build a dam across the Mississinewa river, in Wabash county ;

No. 323. A bill to require certain Statutes to be published in some newspaper at Indianapolis, and for other purposes ;

The blank which occurred in the bill was,

On motion by Mr. Baker,

Filled by inserting "twenty cents."



No. 327. An act to divorce Peter Johnson and Mary Johnson of Hancock county ;

No. 328. A bill to divorce Mary Ann Banks from her husband, Henry Banks ;

No. 330. An act to amend the several acts providing for the preservation of the State House, State library and Legislative papers ;

No. 333. An act to declare a misprint in a certain case ;

No. 335. An act for the relief of James Kitchoon ;

No. 337. An act for the collecting of road tax in the county of Hamilton ;

No. 338. An act to amend an act entitled " An act to establish a free turnpike road in Jay county," approved January 13, 1845 ;

No. 344. An act to authorize the levying of a road tax in the county of Franklin ;

No. 347. An act to amend the law regulating duties of supervisors of roads ;

No. 348. An act to extend the time of the commissioner's court, in the counties of Hamilton and Laporte ;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS ON SECOND READING.

No. 146. An act repealing the law allowing certain fees to county auditors ;

Was read a second time, and laid upon the table.

No. 53. An act to provide for the continuation of the Madison and Indianapolis railroad to Lafayette ;

Was read a second time, and ordered to a third reading.

No. 67. An act to apportion senators and representatives for the next five years ;

Mr. Hall of Gibson moved that the bill be laid upon the table ;

Which motion did not prevail.

Mr. Moore offered the following amendment :

Amend so as the counties of Owen and Greene shall have one float, commencing with the county of Greene in 1846 ;

Which amendment was not adopted.

Mr. Ford offered the following amendment :

Amend so as to attach the county of Blackford to the counties of Delaware and Grant for senatorial purposes ;

Pending the adoption of this,

Mr. Osborn of Laporte moved that the bill be laid upon the table, and that one hundred copies be printed ;

And on the passage of this motion,

Messrs. Osborn of Laporte and Mickle demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Brumfield, Cameron, Carnan, Chambers, Clements, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Ferguson, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Julian, Kerr, Legg, Lewis, McRae, Meeker, Moore, Morrow, Osborn of Laporte, Pennington, Porter, Robinson, Rousseau, Ruby, Smith, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise—42.

*Those who voted in the negative are,*

Messrs. Blackwell, Bowman, Carr, Clymer, Coon, Cruikshank, Davis, Edwards, Ellis, Endecott, Ford, Fuller, Henton, Herron, Jackson, Jones, Kimberlin, Lanius, Leyman, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Nelson, Nofsinger, Osborn of Sullivan, Powers, Riley, Rippey, Seawright, Secrest, Shanks, Slater, Sleeth, Snook, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—52.

So said motion did not prevail.

Mr. McRae offered the following amendment :

Amend by striking out all that relates to the election of a representative by the counties of Orange and Crawford, and insert the following :

“The counties of Orange and Crawford shall each elect one representative.”

And on the adoption of this amendment,

Messrs. Thompson and Stewart demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Chambers, Clements, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Edwards, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Huff, Julian, Kerr, Legg, Lemmonds, Lewis, McRae, Meeker, Moore, Morrow, Osborn of Laporte, Pennington, Porter, Robinson, Rousseau, Ruby, Smith, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise—47.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Carr, Carter, Clymer, Coon, Cruikshank, Davis, Ellis, Endecott, Fuller, Henton, Herron, Jackson, Jones, Kimberlin, Lanius, Leyman, Logan, McCormack, McDonald, Mickle, Monroe, Mooney, Nelson, Nofsinger, Osborn of Sul-

livan, Powers, Riley, Rippey, Seawright, Secrest, Shanks, Slater, Sleeth, Snook, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum and Mr. Speaker—49.

So said amendment was not adopted.

Mr. Cookerly offered the following amendment :

Amend the second section by giving Vigo county three members in 1846, 1848 and 1850, and Sullivan two in 1847 and 1849 ;

Which was not adopted.

Mr. Ford offered the following amendment :

Amend so as to attach the county of Blackford to the counties of Kosciusko, Whitley and Huntington, for senatorial purposes ;

Which was not adopted.

Mr. Mickle offered the following amendment :

Amend so as to put Jay and Adams together, and Wells and Blackford together, for representative purposes ;

Which was not adopted.

Mr. Rousseau offered the following amendment :

That the county of Greene, in the year 1847, shall elect two representatives, and the county of Sullivan one ; and in the year 1849 the counties of Greene and Sullivan shall elect one representative each, and one jointly ;

And on this,

Messrs. Rousseau and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Clements, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Edwards, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Huff, Julian, Kerr, Legg, Lewis, McRae, Meeker, Morrow, Osborn of Laporte, Pennington, Porter, Robinson, Rousseau, Ruby, Smith, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise—43.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Carr, Carter, Chambers, Clymer, Coon, Cruikshank, Davis, Ellis, Endecott, Fuller, Henton, Herron, Jackson, Jones, Kimberlin, Lanius, Leyman, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Nelson, Nofsinger, Osborn of Sullivan, Powers, Riley, Rippey, Seawright, Secrest, Shanks, Slater, Sleeth, Snook, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum and Mr. Speaker—52.

So said amendment was not adopted.

Mr. Clements offered the following amendment:

The counties of Daviess, Martin and Dubois shall elect one senator; and the counties of Daviess, Martin and Dubois shall each elect one representative;

Which was not adopted.

Mr. Arnold offered the following amendment:

Amend by striking out all that relates to Jennings and Bartholomew counties constituting one senatorial district, and insert Bartholomew county one senator, and also strike out all that relates to giving floats to Bartholomew county for representative purposes, and insert one representative;

Which was not adopted.

Mr. Clymer offered the following amendment:

Amend the fourteenth line in the third section, which gives Larrange and Noble two representatives in the year 1850, so that the county of Elkhart shall elect two representatives in the year 1850;

And on the passage of this,

Messrs. Clymer and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Brumfield, Cameron, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Huff, Julian, Kerr, Kimberlin, Legg, Lewis, Logan, McRae, Meeker, Moore, Morrow, Osborn of Laporte, Pennington, Porter, Powers, Rippey, Robinson, Rousseau, Ruby, Smith, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise—49.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Bowman, Carr, Coon, Cruikshank, Davis, Edwards, Ellis, Endecott, Fuller, Henton, Herron, Jackson, Jones, Lanius, Leyman, Lemmonds, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Nelson, Nofsinger, Osborn of Sullivan, Riley, Seawright, Secrest, Shanks, Slater, Sleeth, Snook, Taber, Tedford, Turner, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Sullivan, Yocum, and Mr. Speaker—45.

So said amendment was adopted; and,

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

## TUESDAY MORNING, JANUARY 6, 1846.

The House met pursuant to adjournment.

Mr. Logan made the following report :

MR. SPEAKER :

The select committee to whom was referred a bill of the Senate, No. 133, for the relief of of Isaac Cowan and George Coonrod of Pike county, have had the same under consideration, made one amendment thereto, and directed me to report the same back to the House and recommend its passage, as amended.

Which amendment was adopted.

The said bill, No. 133, was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Leyman made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of O. L. Clarke, Philip Foresman, John Perdue, and others, praying to have Tippecanoe county attached to the eighth judicial circuit, have had the same under consideration, and have directed me to report the following bill, and recommend its passage :

No. 364. An act to attach the county of Tippecanoe to the eighth judicial circuit, and for other purposes ;

Said bill was read a first time, and ordered to a second reading.

Mr. Vandever made the following report :

MR. SPEAKER :

The select committee, to whom was referred the reports of the superintendent of the New Albany and Vincennes road, with instructions to enquire whether any further legislation thereon is necessary, has had the same under their consideration, and has directed me to report the following bill, and respectfully recommend its passage, and ask to be discharged from the further consideration thereof.

No. 365. A bill amendatory of the several acts relative to the New Albany and Vincennes road ;

Which was read a first time, and ordered to a second reading.

Mr. Arnold made the following report :



MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Bartholomew, Decatur, and Jennings counties, praying the location of a certain State road, have had the same under consideration, and have directed me to report the following bill, and recommend its passage :

No. 366. A bill to locate a State road in the counties of Bartholomew, Decatur, and Jennings ;

Which was read a first time, and ordered to a second reading.

Mr. Yocum made the following report :

MR. SPEAKER :

The select committee, to whom was referred a petition from sundry citizens of Clay county, on the subject of school districts, have had that subject under consideration, and have directed me to report a bill, and recommend its passage :

No. 367. An act to define the lines of certain school districts in Clay county ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Davis made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of the heirs of Capt. Richard McCarty, have had the subject under consideration, and have directed me to report the following bill, and recommend its passage :

No. 368. A bill for the relief of the heirs of the late Captain Richard McCarty ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Smith made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition and remonstrance on the subject of vacating an alley in the town of West Logan, have had the same under consideration, and have directed me to report the same back, and recommend that the further consideration of the subject be indefinitely postponed.

Which was concurred in.

Mr. Tedford made the following report :

MR. SPEAKER :

The committee, to whom was referred the petition of sundry citizens of Carroll county, praying to have a law passed giving certain individuals the authority of supervisors on the Frankfort and Delphi road, have had the same under consideration, and have directed me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration of the same.

No. 369. An act giving the Frankfort road commissioners certain powers ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Carr made the following report :

MR. SPEAKER :

A majority of the select committee, to whom was referred the petition of sundry citizens of Jackson county, praying that certain territory therein named be attached to the county of Lawrence, have directed me to report unfavorable to the prayer of said petitioners, and ask to be discharged from the further consideration of the subject.

Upon the concurrence of which,

Messrs. Carr and Mooney demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron, Carnan, Carter, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Davis, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Fuller, Hall of Warren, Harvey, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, Jackson, Julian, Kerr, Kimberlin, Legg, Lemmonds, Lewis, Logan, McCormack, McDonald, McRae, Meeker, Mickle, Monroe, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Snook, Stanfield, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Turner, Wilson of Sullivan, Yocum, and Mr. Speaker—76.

*Those who voted in the negative are,*

Messrs. Carr, Coon, Endecott, Julian, Lanius, Lowe, Powers,

Riley, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Wise—15.

So said report was concurred in.

Mr. Morrow made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petitions of sundry citizens of Grant and Richardville counties, praying the location of a State road from Jonesborough, in Grant county, to Kokomo, in Richardville county, have had the same under consideration, and find that the petitions have not the affidavits attending them that the law requires; therefore the committee have instructed me to report the fact to the House, and request that the petitions be laid on the table, and that the committee be discharged from the further consideration thereof.

Which was concurred in.

Mr. Julian made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition of sundry citizens of Dublin, praying for additional powers to be invested in the president and trustees of said town, have had the same under consideration, and beg leave to report the following bill, and ask to be discharged from the further consideration of the subject :

No. 370. An act granting additional powers to the president and trustees of the town of Dublin ;

Which was read a first time, and ordered to a second reading.

Mr. Chambers made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of E. J. Peck, have had the same under consideration, and instructed me to report the following bill, and recommend its passage :

No. 371. A bill for the relief of E. J. Peck ;

Which was read a first time, and ordered to a second reading.

Mr. Henton made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of citi-

zens of Miami county, praying a repeal of all laws imposing prohibitions upon the Miami Indians in relation to the sale and conveyance of estate real and personal, have had the same under careful consideration, and instructed me to report the accompanying bill and recommend its passage :

No. 372. A bill to repeal certain acts therein named ;  
Which was read a first time, and ordered to a second reading.  
Mr. Rousseau made the following report :

**MR. SPEAKER :**

The select committee to whom was referred bill 123 of the House, an act to amend the 7th section of chapter 72 of the acts of 1843, published with the Revised Statutes of 1843, have had that subject under consideration, and a majority of that committee have directed me to report the same with one amendment, and recommend its passage.

No. 123. An act to amend the 7th section of chapter 72, of the Revised Acts of 1843 published in the Revised Statutes of 1843 ;

Mr. Thompson moved to concur with the following amendment :  
“ So that on the second sale it shall bring one half its value and be delivered to the defendant.”

Which was adopted by consent.

Mr. Pennington moved to strike out “ publication ; ”

Pending which,

Mr. Clements moved to refer it to the judiciary committee ;

Which was adopted.

Mr. Carnan made the following report :

**MR. SPEAKER :**

The select committee to whom the petition of James S. Mays was referred, have had the same under consideration, and have directed me to report the following bill and recommend its passage :

No. 373. An act for the relief of James S. Mays, late school commissioner of Knox county :

Which was read a first time, and ordered to a second reading.

Mr. Rousseau made the following report :

**MR. SPEAKER :**

The select committee to whom was referred the petition of sundry citizens of the county of Greene, praying that a public highway therein named might be vacated, have had that subject under consideration, and have directed me to report the following bill and recommend its passage :

No. 374. An act to vacate a public highway in the county of Greene;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Henry made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Hancock county, praying for the creation of a school district of parts of different townships, have had the same under consideration, and directed me to report that said petition be referred to the committee on education, with instructions to enquire into the expediency of so amending the general school laws as to point out more clearly the mode of forming school districts of parts of different townships.

Which was concurred in.

Mr. Lowe made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of John Jackson and others, for the sale of certain saline lands in Brown county, have had the same under consideration, and report that, in their opinion, it is doubtful whether it would be for the interest of the State to offer said lands at present, under a new appraisement. They therefore ask to be discharged from any further consideration of the subject.

Which was concurred in.

Mr. Tedford made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared the following with the engrossed, and find them correctly enrolled :

No. 177. An act for the relief of James Rutherford ;

No. 128. An act declaring a certain road in the county of Dearborn a State road ;

No. 192. An act in relation to supervisors of roads in the counties of Kosciusko and Whitley ;

No. 119. An act to provide for the better preservation of Legislative papers ;

No. 135. An act for the relief of William L. Chapman ;



Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Lowe made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of John Carter and others, for the passage of an act permitting said Carter to relinquish a part of certain saline lands in Brown county, have had the same under consideration, and report the following bill, and recommend its passage:

No. 375. A bill to authorize and permit John Carter of Brown county to relinquish a part of certain saline lands in Brown county; Which was read a first time, and ordered to a second reading.

On motion by Mr. Stapp,

*Resolved*, That the President of the State Bank be requested to communicate to this House all information pertinent to the following points of enquiry in relation to the character of the loans in the several branches of the State Bank, ascertained during the latest examination of the branches respectively, prior to the present session of the General Assembly:

1st. What amount of the loans made since the 1st day of June, 1843, (under the law of February 13, 1843,) by which the discounts of the Bank since that date were to be collected without any relief from valuation or appraisement laws, has gone to suit or collection, in the branches respectively.

2d. What amount of the suspended debt in the several branches, existing two years ago, has been realized since that period.

3d. What amount of loss is anticipated on the remainder of the suspended debt in the respective branches.

On motion by Mr. Watt,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency and necessity of enacting a law to prohibit county treasurers, under proper penalties, from knowingly suffering or permitting all persons from engaging in the business of buying or selling county orders and State scrip in their respective offices, during the time said treasurers are engaged in the collection of taxes.

Mr. Wilson offered the following resolution:

*Resolved*, That Samuel P. Daniels be allowed the sum of thirty dollars for twenty days' service in making a catalogue of books in the State Library and for other purposes.

Which was referred to the committee on claims.

On motion by Mr. Conduit,

*Resolved*, That the joint committee on public buildings be instructed to enquire into the practicability, propriety, and probable cost of

effecting insurance upon the State House and other property belonging to the State at Indianapolis, and that they report by bill or otherwise.

Mr. Webber offered the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to enquire into the present condition and management of the central canal at and near Indianapolis, and the water powers at Indianapolis belonging to the State: Also, respecting settlements made by the State with the lessees of said water powers; and whether the lessees have complied with the terms of lessors, and report the same as soon as practicable.

Which was adopted.

#### JOINT RESOLUTIONS PRESENTED.

By Mr. Lowe,

No. 376. A joint resolution transferring a certain book from the State Library to the State University;

Was read a first time, and ordered to a second reading.

On motion by Mr. Coon,

Joint resolution No. 179, on the subject of the reduction of the price of the public lands, was taken from the table and read a third time.

Mr. Osborn of Laporte, moved to lay said joint resolution upon the table;

Upon which,

Messrs. Logan and Coon demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Clements, Coffin, Cornelius, Cox, Dole, Endecott, Fuller, Hall of Gibson, Harvey, Hill, Hinchman, Julian, Kerr, Legg, Lemmonds, Lewis, Logan, Meeker, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Pennington, Porter, Robinson, Ruby, Secrest, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wilson of Noble—39.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Carr, Carter, Chambers, Clymer, Conduit, Cookerly, Coon, Cruikshank, Davis, Dowling, Edwards, Ellis, Hazelrigg, Henton, Henry, Herron, Jackson, Jones, Kimberlin, Lanius, Leyman, Lowe, McCormack, McDonald, Mickle Monroe, Mooney, Moore, Morrow, Nelson, Powers, Riley, Rousseau, Seawright, Shanks, Slater, Sleeth, Smith, Snook, Taber, Tedford, Turner, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—52.

So said resolution was not laid upon the table.

Mr. Osborn of Laporte, moved to refer to a select committee, with instructions to enquire whether, if Congress shall grant the prayer of the joint resolution, it will have a tendency to embarrass the arrangement with our bondholders, as provided in House bill No. 362.

Which was not adopted.

The vote was then taken upon the amendment of the joint resolution and decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Arnold,

No. 377. A joint resolution for the reduction of the price of public lands to actual settlers;

By Mr. Lowe,

No. 378. A joint resolution extending the provisions of an act therein named;

Which were each severally read a first time, and ordered to a second reading.

#### BILLS INTRODUCED.

By Mr. Clymer,

No. 379. An act to amend an act to incorporate the Buffalo and Mississippi railroad company, approved February 6th, 1835;

Which was read a first, second and third times, the rules being suspended, and passed.

By Mr. Mickle,

No. 380. A bill to authorize the sale of a school section in Jay county;

By Mr. Coffin,

No. 384. A bill authorizing the commissioners of Henry county to reduce the width of a county road;

By Mr. Thompson,

No. 385. A bill to establish an additional election precinct in Union township, Perry county;

By Mr. Turner,

No. 387. A bill legalizing the election and official acts of William H. Parmelee as probate judge of Wells county;

By Mr. Harvey,

No. 288. A bill to legalize the assignment of certificates to certain school lands in this State;

By Mr. Powers,

No. 398. A bill to provide for a free turnpike road in Steuben county;

By Mr. Cox,

No. 190. A bill for the relief of Henry D. Smith;

By Mr. Lowe,

No. 392. A bill for the relief of Indiana Young;

By Mr. Lowe,

No. 393. A bill for the divorce of Robert Hemphill, of Monroe county ;

Which were each severally read a first time, and ordered to a second reading.

By Mr. Cookerly,

No. 382. A bill appointing a board of superintendents to superintend the changing or deepening the channel of or levelling the banks of Jordan creek, in Honey creek township, Vigo county, and for other purposes ;

Which was read a first, second, and third times, severally, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Stanfield,

No. 383. A bill to vacate a part of the village of Mishawaka, in St. Joseph county ;

Which was severally read a first, second, and third times, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Webber,

No. 381. A bill for the divorce of Arthur E. Williams ;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Webber, Moore, and Wilson of Marion.

By Mr. Slater,

No. 386. A bill granting the city of Lawrenceburgh a charter, and for revising and repealing all laws and parts of laws heretofore enacted on that subject ;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Slater, Bowman, and Ellis.

By Mr. Slater,

No. 391. A bill fixing the time of holding courts in the third judicial circuit ;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Blackwell, Robinson, Lanius, Slater, Burns, and Cruikshank.

On motion by Mr. Wise,

Bill No. 314, to subject certain lands to taxation,

Was taken up, and read a second time, and referred to a select committee of Messrs. Stapp, Wise, and Davis.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have concurred in the resolution of the House, fixing the 19th inst. as the day of adjournment, *sine die*, of the present General Assembly.

A message from the Senate, by Mr Gorman, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, without amendments :

No. 243. An act in relation to the probate court of Henry county ;

No. 171. An act to dissolve the bonds of matrimony between Adam Shambraugh, and Elizabeth Shambraugh ;

No. 215. An act to dissolve the bonds of matrimony between Benjamin Rosecrantz, and Sarah Rosecrantz, citizens of Perry county ;

No. 89. A bill to amend the statute regulating the duties of clerks of executors' and administrators' sales ;

No. 174. An act to survey and locate a State road from Robinson's ferry on White river, in Daviess county, to Harrisonville, in Martin county ;

No. 235. An act extending the time of holding probate courts in Shelby county ;

No. 222. An act providing for the election of an additional justice of the peace in Union township, Montgomery county ;

No. 226. An act for the relief of Nathaniel Coal, of Warrick county ;

No. 264. An act for the relief of John Johnson, of Laporte county ;

No. 124. An act to change the time of summoning petit jurors to appear in the circuit court for Vigo county, and for other purposes ;

No. 214. An act to change the mode of working roads in Rush county ;

No. 204. An act defining the boundaries between the counties of Clark and Washington.

No. 209. An act to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways to the county of Posey ;

No. 153. An act for the relief of Felix Ingoldsby ;

No. 131. A bill to abolish the office of county auditor in the county of Johnson ;

No. 246. An act to vacate a certain alley in the town of Greencastle ;

No. 206. An act changing the time of holding probate courts in Cass county ;

No. 136. An act to amend section 326, chapter 40, of the Revised Statutes of 1843 ;

No. 173. An act declaring a certain road therein named, a State road ;

No. 194. An act to extend the terms of the board doing county business in the county of Tippecanoe ;

No. 47. A bill to extend an act, entitled, " An act to provide for



a more efficient mode of expending the road tax in the several counties therein named," approved January 15, 1844, to the counties of Noble and Lagrange.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 25. An act in relation to county treasurers;

No. 131. An act to amend an act, entitled, "An act regulating the fees and salaries of the several officers and persons therein named," approved February 7, 1831;

No. 153. An act fixing a certain annual compensation to the auditor of Boone county;

No. 146. An act to change the location of the feeder-dam on Sugar creek, in Parke county;

No. 98. An act prohibiting the sinking fund commissioners from relinquishing mortgaged lands in certain cases;

No. 147. An act for the relief of Owen McManners, of Martin county;

No. 152. An act to divorce Cynthia Duvault from William W. Duvault, her husband; and also Blista Ann Huffman, from her husband, Jacob Huffman;

In which the concurrence of the House of Representatives is respectfully requested.

And that the Senate have also passed the following engrossed joint resolution thereof:

No. 10. A joint resolution on the subject of liens upon real estate;

In which the concurrence of the House of Representatives is respectfully requested.

No. 25, in said message mentioned,

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

No. 10,

Was read a first and second times, the rules being suspended, and also referred to the judiciary committee.

Nos. 131, 146, 153, 98, and 152,

Were each read a first time, and ordered to a second reading.

No. 147,

Was read a first and second times, the rules being suspended, and laid on the table.

A message from the Senate by Mr. Gorman their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, all with amendments :

No. 59. An act to provide for the taking, holding, and transmitting of real estate by aliens, and for granting titles to real estate ;

No. 185. An act to amend an act therein named ;

No. 232. An act to amend an act fixing the time of holding courts in the fifth judicial circuit, approved January 13, 1845 ;

No. 142. An act changing the time of holding circuit and probate courts in Clark county ;

No. 157. An act to incorporate the "Logansport and Rochester Michigan Road Company ;"

No. 193. An act authorizing Rhoda Butler to mortgage certain real estate ;

No. 210. An act to amend the 40th chapter of the Revised Acts of 1843, relative to the service of process ;

No. 152. An act to amend article 5th of chapter 40, of the Revised Statutes of 1843 ;

In which amendments of the Senate, the concurrence of the House of Representatives is most respectfully requested.

The amendment to

No. 210, in said message mentioned, was laid upon the table with the bill.

The amendments of the Senate to

Nos. 59, 185, 232, 142, 157, 193 and 152, were concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof ;

No. 93. An act relative to the water power at Northport, in Noble county ;

No. 102. An act for the relief of Absolom Paynter, of Henry county :

No. 29. An act to incorporate the Richmond and Miami Railroad Company ;

No. 12. A joint resolution for the continuation and completion of the Cumberland road ;

No. 9. A joint resolution on the subject of the Oregon boundary ;

No. 176. An act to authorize the president and trustees of the town of Lafayette in Tippecanoe county, to open and grade streets, and construct side walks in said town;

In which the concurrence of the House of Representatives is respectfully requested.

No. 93, in said message mentioned, was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements;

Nos. 102, 29, 12, and 176, were read a first time, and ordered to a second reading;

No. 9, was read a first and second times, the rules being suspended, and referred to a select committee.

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 126. An act to dissolve the bonds of matrimony between Jared S. Rylar and Thurse Ann Ryler, of Jefferson county;

No. 180. An act for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased;

No. 196. An act to extend the provisions of an act therein named to Madison county;

No. 218. An act to incorporate the Female Seminary, of St. Mary's of the Woods, in Vigo county;

No. 336. An act to authorize the sale of certain school lands in township 36, range 2 west, in Laporte county.

Also the Senate have passed the following engrossed bills of the House of Representatives, with amendments:

No. 238. An act regulating the mode of enforcing the collection of certain costs in the several courts of this State;

In which amendment of the Senate to bill of the House aforesaid, the concurrence of the House of Representatives is respectfully requested.

Which amendment of the Senate to the bill of the House was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate have concurred in the engrossed amendments of the House of Representatives to bill of the Senate No. 28.

Also the Senate have concurred in the engrossed amendments of the House of Representatives to bill of the Senate No. 116.

Also the Senate have concurred in the engrossed amendments of the House to bill of the Senate No. 65; and,

On motion,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met.

The Speaker laid before the House a communication from J. Morrison;

Which was referred to the select committee to whom was referred the memorial of Rufus A. Lockwood.

Mr. Mickle moved a call of the House,

Which was seconded.

Mr. Huff was excused attendance on the account of sickness.

Mr. Parker was also excused for the same reason.

The further call was then suspended.

Mr. Logan moved that the vote taken on yesterday, on giving the float of Dekalb and Noble counties, to the county of Elkhart be reconsidered.

Mr. Julian moved to refer the bill to a select committee, with the following instructions:

Report it back to-morrow at 2 o'clock, P. M., embracing in its provisions that the House shall not consist of more than seventy members, and the Senate of not more than thirty-five members.

On this motion,

Messrs. Ford and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Blackwell, Brumfield, Cameron, Carnan, Clements, Coffin, Conduit, Cookerly, Cornelius, Dole, Dowling, Edwards, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Julian, Kerr, Legg, Lewis, Meeker, Moore, Morrow, Pennington, Porter, Rousseau, Smith, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Stewart, and Wise—37.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Bowman, Carr, Carter, Chambers, Clymer, Coon, Cruikshank, Davis, Ellis, Endecott, Fuller, Henton, Heron, Jackson, Jones, Kimberlin, Lanius, Leyman, Lemmonds, Lo-

gan, Lowe, McCormack, McDonald, McRae, Mickle, Monroe, Mooney, Nelson, Nofsinger, Osborn of Sullivan, Powers, Riley, Rippey, Seawright, Secrest, Shanks, Slater, Sleeth, Snook, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Sullivan, Wilson of Noble, Yocum, and Mr. Speaker—55.

So said bill was not recommitted.

The question then being

On the motion of Mr. Logan, to reconsider,  
Messrs. Snook and Cookerly demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Carter, Chambers, Coffin, Coon, Cruikshank, Davis, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Henton, Herron, Jackson, Jones, Kimberlin, Lanius, Leyman, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Moore, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Powers, Riley, Rippey, Robinson, Seawright, Secrest, Shanks, Slater, Sleeth, Snook, Taber, Tedford, Thompson, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—59.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Clements, Clymer, Conduit, Cookerly, Cornelius, Cox, Dole, Ferguson, Ford, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Julian, Kerr, Legg, Lewis, McRae, Meeker, Morrow, Pennington, Porter, Rousseau, Smith, Stapp, Stewart, Tomlinson, and Wise—35.

So said vote was reconsidered.

The question then being on the adoption of the amendment,

Mr. Vandever moved the previous question ;

Which was seconded by the House.

The question then being,

“Shall the main question be now put?”

Messrs. Hazelrigg and Tomlinson demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Carr, Carter, Coon, Cruikshank, Davis, Edwards, Ellis, Endecott, Fuller, Henton, Herron, Jackson, Jones, Kimberlin, Lanius, Leyman, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Nelson, Nofsinger, Osborn of Sullivan, Powers, Riley, Rippey, Seawright, Secrest, Shanks, Sla-



ter, Snook, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—50.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Julian, Kerr, Legg, Lewis, McRae, Meeker, Moore, Morrow, Osborn of Laporte, Pennington, Porter, Robinson, Rousseau, Sleeth, Smith, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise—45.

So said motion prevailed.

The main question then being,

“Shall the bill be ordered to a third reading on to-morrow?”

It was decided in the affirmative.

The following message was received from his Excellency, the Governor, by Mr. Powers, his Private Secretary :

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House of Representatives, that he has this day approved and signed

No. 286. An act for the relief of Causby M. Lewis ;

No. 114. An act to repeal an act providing for the opening and repairing roads and highways and streams in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, approved January 31, 1843, so far as the county of Bartholomew is concerned ;

No. 27. An act to authorize the auditor of Gibson county to make a deed in a certain case therein named ;

No. 187. An act in relation to the fees of the recorder and auditor in the counties of Jackson, Adams and Jay ;

No. 244. An act to authorize William M. Hughes and Willis Hodges, to substitute their notes and mortgages to the State, for that of Otis and William Page ;

No. 116. An act to authorize the trustees of congressional township twenty-eight, in range twelve east, in Wells county, to lay off a town ;

No. 195. An act to change the time of holding the probate courts in the county of Pike ;

No. 104. An act fixing the per diem allowance of grand and petit jurors ;

No. 208. An act to repeal in part an act, entitled, “ An act to provide for summoning grand and petit jurors in Decatur and Warren counties,” approved January 15, 1844 ;

No. 201. An act prescribing the mode of selecting petit jurors in Sullivan county;

No. 181. An act to remunerate justices of the peace of the county of Warrick for their services on the county board;

No. 191. An act authorizing the president and trustees of the town of Lafayette, in the county of Tippecanoe, and State of Indiana, to purchase and hold real estate, and for other purposes;

No. 90. An act for the relief of Thomas Carrico, of Knox county;

All of which originated in the House of Representatives.

Mr. Osborn of Laporte moved that bill of the House

No. 36. An act to extend the writ of garnishee in certain cases,

Be taken from the table;

Which motion prevailed.

The following amendment was pending when said bill was laid upon the table on 10th December:

Amend the 1st section, by striking out after the words, "file with," in the 11th line, the words, "the court issuing such execution or order of court," and insert the words "any court" in lieu thereof.

Amend section 8th by adding the following:

"And it shall be deemed good cause if the person against whom said execution or order shall have issued, shall prove by competent evidence that the money so due to him from said garnishee is due to him for work or labor, and that the same is necessary for the support of himself or his family."

Which were adopted.

Mr. Osborn of Laporte offered the following amendments:

"Sec. 10. Stock or shares held in any corporation shall in all cases be subject to levy and sale on execution; and the officer making such levy, shall immediately thereafter notify the person having the custody of the transfer books of such corporation of such levy."

"Sec. 11. The officer making such sale shall execute and deliver to the purchaser a certificate thereof, which certificate shall transfer to the purchaser all the interest of the execution debtor therein, and such purchaser shall have and enjoy the same stock the same as if the transfer had been made to him by the execution debtor."

Which was adopted.

Mr. Hazelrigg offered the following amendment:

Amend the second section by adding the following;

"Provided said garnishee shall not be compelled to answer on oath or affirmation without the person suing out the writ of garnishee shall either swear or affirm that he does not know of any other person by whom he can prove the same, but by said garnishee. But the answer of said garnishee shall be evidence to the extent of his answer, whether under oath or affirmation, or not."

Which was adopted.

Mr. McDonald moved the following amendment:

"Add to section 8, Provided, that if any execution defendant or defendants show to the proper court, that he has but three hundred dollars' worth of personal property, exclusive of real estate, judgment shall be given against the person or persons who may have sued out such writ or writs of garnishee."

Mr. Osborn of Laporte, moved to amend by striking out \$300, and insert \$150,00.

Mr. Vandever moved to indefinitely postpone the bill and amendments.

Messrs. Monroe and Logan demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Brumfield, Cameron, Carr, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Coon, Cornelius, Cruikshank, Edwards, Endecott, Ford, Fuller, Hall of Warren, Herron, Hill, Jackson, Jones, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Logan, Lowe, McCormack, McDonald, Meeker, Mickle, Mooney, Moore, Morrow, Nelson, Osborn of Sullivan, Powers, Rousseau, Seawright, Secrest, Slater, Sleeth, Smith, Snook, Stapp, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Sullivan, and Yocum—57.

*Those who voted in the negative are,*

Messrs. Baker, Carter, Cookerly, Cox, Dowling, Ellis, Ferguson, Hall of Gibson, Harvey, Hazlerigg, Henry, Henton, Hinchman, Julian, Kerr, Lewis, McRae, Monroe, Nofsinger, Osborn of Laporte, Pennington, Porter, Shanks, Stanfield, Stewart, Taber, Thompson, Tomlinson, Wise, and Mr. Speaker—30.

So said bill was indefinitely postponed.

Mr. Mickle on leave granted, introduced the following resolution:

*Resolved*, That the use of this Hall be granted for the use of the Democratic Convention on the 8th, and the Whig Convention on the 9th instant.

Which was adopted.

Mr. Moore on leave granted, presented a petition from sundry citizens of Owen and other counties, praying the legislature to grant an appropriation out of the State Treasury, to aid in building a bridge across Eel river;

Which was referred to a select committee of Messrs. Moore, Secrest, and Tomlinson.

On motion by Mr. Fuller,

The House adjourned until to-morrow morning, 9 o'clock.

## WEDNESDAY MORNING, JANUARY 7, 1846.

The House met pursuant to adjournment.

On motion by Mr. Stapp,

Mr. Hill was placed on the select committee on changing the time of holding the terms of court in the third judicial circuit.

## PETITIONS AND MEMORIALS PRESENTED.

By Mr. Arnold,

A petition from the county of Bartholomew for the vacating a portion of a certain road therein named;

Which was referred to a select committee of Messrs. Arnold, Mickle, and Shanks.

By Mr. Moore,

A petition from congressional township number 9, in Owen county, for the office of school commissioner to be established in said township;

Which was referred to the committee on education.

By Mr. Pennington,

A petition from sundry citizens of Orange, Harrison, Crawford, and Washington counties, asking for commissioners to lay out a certain State road, therein named;

Which was referred to a select committee of Messrs. Pennington, Vandever, and McRae.

By Mr. Watt,

A petition for the repeal of certain laws in the statute book, therein named;

Which was referred to the judiciary committee.

By Mr. Jones,

A petition from sundry citizens of Harrison and Floyd counties, asking a charter for the Floyd county Turnpike Company;

Which was referred to the committee on roads.

By Mr. Harvey,

A petition from Hendricks county, for the relief of the securities of W. H. Darnell, former school commissioner of said county;

Which was referred to a select committee of Messrs. Harvey, Coffin, and Shanks.

By Mr. Webber,

A petition from Sarah Wilson of Marion county;

Which was referred to the committee on claims.

By Mr. Webber,

A petition from sundry citizens of Marion county, praying for the passage of a law authorizing the commissioners of said county to build a work house;

Which was referred to the committee on the affairs of the town of Indianapolis.

By Mr. Morrow,

A petition for the abolishment of the law prohibiting blacks and mulattoes from testifying in courts of justice;

Which was referred to the judiciary committee.

By Mr. Ford,

A petition from sundry citizens of Randolph county, for the location of a State road therein named.

By Mr. Ford,

A remonstrance against the same;

Both of which were referred to the committee on roads.

By Mr. Jackson,

A petition for the repeal of section 165, article 11, so far as it relates to Tipton county;

Which was referred to a select committee of Messrs. Jackson, Powers, and Kimberlin.

By Mr. Bowman,

A petition praying the passage of a law to amend an act approved January 15, 1843, assessing damages to the canal, west of Tippecanoe;

Which was referred to a select committee of Messrs. Bowman, Osborn of Laporte, and Turner.

By Mr. Tedford,

A remonstrance against the consolidation of the Wabash and Erie canal land offices;

Which was laid on the table.

By Mr. Porter,

A petition of sundry citizens of Harrison county, relative to a school section therein named;

Which was referred to a select committee of Messrs. Porter, McRae, and Lewis.

By Mr. Lanius,

A petition from citizens of Posey township, Switzerland county, praying that said township be attached to Ohio county;

Which was referred to a select committee of Messrs. Lanius, Blackwell, Coon, and Burns.

#### BILLS INTRODUCED.

By Mr. Secrest,

No. 394. A bill making general appropriations for the year 1846.

By Mr. Secrest,

No. 395. A bill to provide for the payment of the members and officers of the General Assembly;

Which were each severally read a first time, and ordered to a second reading.

Mr. Secrest made the following report:



MR. SPEAKER :

The committee of ways and means to which was referred a resolution of the House, requesting said committee to examine whether or not there is any law making it the duty of county collectors to assess and collect taxes on lands that may have become taxable, and not assessed by former assessors; and if there is no general law on that subject that they be requested to report a bill making it the duty of the several collectors in this State to assess and collect on all lands that may have been taxable and not assessed as far back as the year 1841, have according to order had that subject under consideration, and have directed me to report:

That by the 45th section of the Revised Statutes of 1843, chapter 12, it is provided, that "county auditors in making out the tax duplicate for the county treasurers, shall be careful to enter thereon all the lands previously entered for taxation, with the valuation thereof as theretofore assessed; and all such lands as by mistake or neglect shall have been omitted to be entered," and by the 63d section of the same chapter, there is a further provision, that "the lien of the State for all taxes for State, county, road, school, or township purposes, shall attach on all real estate on the first Monday of March annually; and that such lien shall be perpetual for all taxes due from the owner thereof, which have theretofore accrued or should thereafter accrue, with the interest and penalties," &c., but the committee have not been able to find any provision requiring county auditors or treasurers to enter such lands upon the duplicate, and to charge against them the taxes of former years, and making provision for the collection thereof in the manner suggested in said resolution, and forasmuch as it would be manifestly just and right, that such omission or neglect should not exempt the owner or owners from the payment of the taxes due, they have directed me to report to the House the following bill and recommend its passage.

No. 396. A bill amending the 25th section of chapter 12, of the Revised Statutes of 1843, and for other purposes;

Which was read a first time, and ordered to a second reading.

Mr. Secrest made the following report:

MR. SPEAKER :

The committee of ways and means, to whom was referred the resolution of the House instructing said committee to enquire into the expediency of enacting a law making taxes paid upon real estate by a third person, a lien upon said lands, with leave to report by bill or otherwise, have had that subject under consideration, and have directed me to report that said committee deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Secrest made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred the bill of the House, No. 307, entitled "A bill to amend the fourth article of chapter seven of Revised Statutes of 1843, and for other purposes," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Secrest made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred a bill of the House, No. 170, entitled "A bill for the relief of John McIntire," have had that subject under consideration, and have directed me to report the same back to the House, and recommend that the same be laid upon the table, and that the committee be discharged from further consideration thereof.

Which report was concurred in.

Mr. Secrest made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred the bill of the Senate, No. 139, entitled "A bill to provide for the erection of a monument on the Tippecanoe battle ground," have, according to order, had that subject under consideration, and have directed me to report the same back to the House, with two amendments, and recommend its passage.

The amendments to said bill were then taken up :

First. Strike out the word "five" and insert the word "three" in the ninth line of the third section.

Which was concurred in.

Second amendment. Strike out all of the fourth section after the word "fund," in the fifth line.

Upon the concurrence of which, second amendment,  
Messrs. Clymer and Carr demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Bowman, Carr, Carnan, Carter, Chambers, Clymer, Coon, Cruikshank, Davis, Endecott, Fuller, Hall of Gibson, Harvey, Henton, Herron, Jackson, Jones, Kimberlin, Lemmonds, Logan, Lowe, McDonald, Mickle, Mooney, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Powers, Riley, Rippey, Seawright, Shanks, Slater, Sleeth, Snook, Tedford, Thompson, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—53.

*Those who voted in the negative are,*

Messrs. Baker, Brumfield, Cameron, Clements, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Hall of Warren, Hazelrigg, Henry, Hill, Hinchman, Julian, Kerr, Leyman, Legg, Lewis, McCormack, McRae, Meeker, Osborn of Laporte, Pennington, Porter, Robinson, Rousseau, Ruby, Secrest, Smith, Stanfield, Stewart, Taber, Tomlinson, and Wise—41.

So said amendment was concurred in.

And the bill was ordered to be engrossed for a third reading.

Mr. Fuller made the following report:

**MR. SPEAKER:**

The standing committee on military affairs, to whom was referred sundry resolutions on that subject, have had the same under consideration, and directed me to report the following bill, and ask to be discharged from the further consideration thereof:

No. 397. A bill relative to the organization of the militia;  
Which was read a first time, and ordered to a second reading.  
Mr. Vandever made the following report:

**MR. SPEAKER:**

The committee on roads, to whom was referred the petition of Chapil W. Brown, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage: \*

No. 398. A bill for the relief of Chapil W. Brown, of Laporte county;

Which was read a first time, and ordered to a second reading.

Mr. Edwards made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of sundry citizens of Montgomery county, have had that subject under consideration, and instructed me to report inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof:

Which was concurred in.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the Senate, No. 75, entitled "An act relative to the northern division of the Central canal," have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage.

Which was concurred in.

And said bill, No. 75, of the Senate,

Was read a second time, and ordered to a third reading.

Mr. Logan made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House, No. 281, entitled "A bill providing for the adjustment of a certain claim therein named," have had the same under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement.

On the concurrence in which report,

Messrs. Logan and Moore demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Bowman, Brumfield, Carr, Carter, Clymer, Coffin, Coon, Cox, Cruikshank, Davis, Dowling, Edwards, Ellis, Endecott, Ford, Fuller, Henton, Herron, Hinchman, Jackson, Jones, Kimberlin, Leyman, Lemmonds, Lewis, Logan, Lowe, McCormack, Meeker, Mickle, Monroe, Moore, Morrow, Nelson, Nofsinger, Osborn of Sullivan, Powers, Riley, Rippey, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Snook, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—62.

*Those who voted in the negative are,*

Messrs. Blackwell, Carnan, Chambers, Clements, Conduit, Cornelius, Dole, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Julian, Kerr, Lanius, Legg, McDonald, McRae, Moon-ey, Osborn of Laporte, Pennington, Porter, Robinson, Rousseau, Ruby, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise—31.

So the report was concurred in ; and  
The House adjourned until 2 o'clock, P. M.

---

*2 o'clock, P. M.*

House met.

Mr. Vandever moved a call of the House ;  
Which was seconded ;  
And after some time spent therein,  
The further call was suspended.

#### SENATE BILLS ON THIRD READING.

No. 53. An act to provide for the continuation of the Madison and Indianapolis railroad to Lafayette ;

No. 67. An act to apportion senators and representatives for the next five years ;

Mr. Hazelrigg moved to recommit the bill to a select committee, with instructions to strike out from the enacting clause and insert the following :

“That for the purpose of electing Senators to the General Assembly of this State, for the ensuing five years, the State shall be and is hereby divided into the following districts, each of which shall be entitled to one Senator: Steuben, Noble and Dekalb, one Senator; Elkhart and Lagrange, one Senator; St. Joseph, Marshal and Fulton, one Senator; Allen, Wells and Adams, one Senator; Kosciusko, Whitley and Huntington, one Senator; Cass, White, Benton, Jasper and Pulaski, one Senator; Blackford, Jay and Randolph, one Senator; Delaware and Grant, one Senator; Madison and Hancock, one Senator; Henry, one Senator; Hamilton, Tipton and Richardville, one Senator; Laporte, Porter and Lake, one Senator; Clinton and Carroll, one Senator; Tippecanoe, one Senator; Hendricks and Boone, one Senator; Miami and Wabash, one Senator; Warren and Fountain, one Senator; Vermillion and Parke, one Senator; Putnam, one



Senator; Clay and Owen, one Senator; Vigo, one Senator; Sullivan and Greene, one Senator; Knox and Daviess, one Senator; Pike, Gibson and Dubois, one Senator; Posey and Vanderburgh, one Senator; Warrick, Spencer and Perry, one Senator; Orange and Crawford, one Senator; Harrison, one Senator; Washington, one Senator; Clarke, one Senator; Floyd, one Senator; Lawrence and Martin, one Senator; Scott and Jackson, one Senator; Jefferson, one Senator; Switzerland and Ohio, one Senator; Dearborn, one Senator; Franklin, one Senator; Fayette and Union, one Senator; Wayne, one Senator; Rush, one Senator; Decatur, one Senator; Shelby, one Senator; Montgomery, one Senator; Marion, one Senator; Jennings and Ripley, one Senator; Morgan, one Senator; Monroe and Brown, one Senator; Bartholomew, one Senator; Johnson, one Senator.

"SEC. 2. The counties of Elkhart and Lagrange shall be attached to the counties of Whitley and Kosciusko, for Senatorial representation, until the annual election in 1847, when the Senators from Wayne shall have served out the unexpired part of the present term; when, at said annual election, it shall be lawful for the counties of Lagrange and Elkhart to elect one Senator.

"SEC. 3. The counties of Miami and Wabash shall not elect a Senator until the annual election in the year 1847, at which time the term of service of the Senator from Parke shall expire; and the counties of Miami and Wabash shall be attached to the counties of Grant and Delaware for Senatorial representation, from the Wednesday succeeding the first Monday in August next, until a Senator is elected at the annual election in 1847, and qualified.

"SEC. 4. In electing Representatives to the General Assembly for the ensuing five years, Steuben and Dekalb shall elect one; Allen, one; Wells and Adams, one; Huntington and Whitley, one; Kosciusko, one; Cass, one; White, Pulaski, Benton and Jasper, one; Blackford and Jay, one; Randolph, one; Delaware, one; Grant, one; Hancock, one; Wabash and Miami, one; Warren, one; Vermillion, one; Vigo, one; Clay, one; Owen, one; Daviess, one; Gibson, one; Martin, one; Pike, one; Dubois, one; Warrick, one; Vanderburgh, one; Spencer, one; Perry, one; Crawford, one; Orange, one; Harrison, one; Floyd, one; Lawrence, one; Scott, one; Jackson, one; Switzerland, one; Ohio, one; Union, one; Decatur, one; Shelby, one; Johnson, one; Morgan, one; Monroe and Brown, one; Bartholomew, one; Marshall and Fulton, one; Madison, one; Lake and Porter, one; Hamilton, Tipton and Richardville, one; Dearborn, two; Fayette, two; Rush, two; Tippecanoe, two; Marion, two; Franklin, two; Henry, two; Fountain, two; Parke, two; Montgomery, two; Putnam, two; Knox, two; Washington, two; Clark, two; Lagrange and Noble, one in the years 1847, 1848, 1849 and 1850, and two in the year 1846; Elkhart, one in the years 1847 and 1849, and in 1846, 1848 and 1850, two; Laporte, one in 1847 and 1849, and in the years 1846, 1848 and

1850, two ; St. Joseph, one in the years 1846, 1848 and 1850, and two in 1847 and 1849 ; Hendricks, one in the years 1847 and 1849, and two in the years 1846, 1848 and 1850 ; Boone, one in the years 1846, 1848 and 1850, and two in the years 1847 and 1849 ; Sullivan, one in 1847 and 1849, and two in the years 1846, 1848 and 1850 ; Greene, one in the years 1846, 1848 and 1850, and two in 1847 and 1849 ; Posey, one in the years 1846, 1848 and 1850, and two in 1847 and 1849 ; Jefferson, two in the years 1847 and 1848, and three in 1846, 1849 and 1850 ; Carroll, one in the years 1846, 1847, 1849 and 1850, and two in 1848 ; Clinton, one in the years 1846, 1848, 1849 and 1850, and two in 1847 ; Wayne, three in the years 1846, and four in 1847, 1848, 1849 and 1850 ; Ripley, one in the years 1847 and 1849, and two in 1846, 1848 and 1850 ; Jennings, one in 1846, 1848 and 1850, and two in 1847 and 1849.

"SEC. 5. This act shall take effect from and after its passage."

Mr. Vandever moved the previous question ;

Which was seconded ;

And the previous question being,

"Shall the main question be now put?"

It was decided in the affirmative ;

And the main question being,

"Shall the bill pass?"

Messrs. Cookerly and Mickle demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Carr, Carter, Clymer, Coon, Davis, Edwards, Ellis, Endecott, Fuller, Henton, Herron; Jackson, Jones, Kimberlin, Lanius, Leyman, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Mooney, Nelson, Nofsinger, Osborn of Sullivan, Powers, Riley, Rippey, Seawright, Secrest, Shanks, Slater, Snook, Taber, Tedford, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—49.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Chambers, Clements, Coffin, Conduit, Cookerly, Cornelius, Cox, Dole, Dowling, Ford, Hall of Gibson, Harvey, Hazelrigg, Henry, Hill, Hinchman, Julian, Kerr, Legg, Lewis, McRae, Meeker, Moore, Morrow, Osborn of Laporte, Pennington, Porter, Robinson, Rousseau, Ruby, Sleeth, Smith, Stanfield, Stapp, Stewart, Thompson, Tomlinson, and Wise—43.

So said bill passed.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Osborn of Laporte moved to take from the table bill of the House,

No. 362. An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville;

Which motion prevailed.

And said bill was then referred to a select committee of Messrs. Osborn of Laporte, Henry and Watt;

No. 71. An act to incorporate the Crawfordsville and Wabash railroad company;

No. 119. An act to provide for the continuation of the Madison and Indianapolis railroad to Pendleton, Huntsville and Anderson-town;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 276. An act in relation to the jurisdiction of justices of the peace;

No. 339. An act to repeal part of a certain act therein named, and for other purposes;

Which was amended in the title;

And said bills read each a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### BILLS ON SECOND READING.

No. 350. A bill for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased;

No. 351. A bill to authorize Samuel J. Hoge to construct a mill dam across the Tippecanoe river, in Fulton county;

No. 352. A joint resolution in relation to the Buffalo and Mississippi railroad;

No. 353. An act amendatory to an act entitled "An act incorporating the town of South Bend in St. Joseph county," approved January 15, 1844, and for other purposes;

No. 354. An act supplementary to an act entitled "An act to incorporate the South Bend manufacturing company," approved December 28, 1842;

No. 355. An act to vacate a part of the town of Independence, in St. Joseph county;

No. 356. A bill to legalize the judicial acts of John F. Merrill, late justice of the peace in Huntington county;

No. 357. A bill to amend section 27, chapter 7, Revised Statutes of 1843, in relation to allowances by county commissioners to sheriffs;

No. 358. A bill relative to the fees of auditor of Monroe county;  
 No. 363. A bill declaring a road therein named a State road;  
 No. 366. A bill to locate a State road in the counties of Bartholomew, Decatur, and Jennings;

No. 370. A bill granting additional power to the president and trustees of the town of Dublin;

No. 371. A bill for the relief of E. J. Peck;

No. 373. A bill for the relief of James S. Mayes, late school commissioner of Knox county;

No. 375. A bill to authorize and permit John Carter of Brown county to relinquish a part of certain saline lands in Brown county;

No. 376. A joint resolution transferring a certain book from the State Library to the State University;

No. 377. A joint resolution for the reduction of the price of public lands to actual settlers;

No. 378. A joint resolution extending the provisions of an act therein named;

No. 384. A bill authorizing the commissioners of Henry county to reduce the width of county roads;

No. 387. A bill to legalize the election and official acts of William H. Parmelee as probate judge of Wells county;

No. 389. A bill to provide for a free turnpike road in Steuben county;

No. 390. A bill for the relief of Henry D. Smith;

No. 392. A bill for the relief of Indiana Young;

No. 393. A bill for the divorce of Robert Hamphill of Monroe county;

Which were each severally read a second time, and ordered to be engrossed for a third reading.

No. 365. A bill amendatory of the several acts relative to the New Albany and Vincennes road;

Mr. Edwards moved to amend by striking out "five hundred dollars," in the bill, and insert "three hundred dollars."

Mr. Thompson moved to amend the amendment by inserting "four hundred."

The vote was then taken to strike out five hundred dollars in the bill,

It was decided in the negative.

So the amendment was not adopted.

And said bill was ordered to be engrossed for a third reading.

On motion by Mr. Bowman,

Bill of the Senate,

No. 105, was taken up.

No. 105. A bill to locate a State road in the counties of Fountain and Warren;

Which was read a first time, and ordered to a second reading.

No. 372. A bill to repeal certain acts therein named;

Mr. Taber offered the following amendment to the bill:

“That hereafter, when judgment shall be rendered against any Indian man or Indian woman, such defendant, whether male or female, shall have the right to claim and retain one hundred and twenty-five dollars’ worth of personal property exempt from execution.”

Which was adopted.

And said bill was ordered to be engrossed for a third reading.

No. 359. A bill to incorporate the Philomathean Society of the Indiana University;

Which was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 361. A bill in relation to collectors of State and county revenues;

Which was read a second time, and referred to the committee on ways and means.

No. 364. An act to attach the county of Tippecanoe to the eighth judicial circuit;

Which was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 380. A bill to authorize the sale of a school section in Jay county;

No. 385. A bill to establish an additional election precinct in Union township, Perry county;

No. 388. A bill to legalize the assignment of certificates to certain school lands in this State;

Which were each severally read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS.

No. 12. A joint resolution for the continuation and completion of the Cumberland road;

No. 29. An act to incorporate the Richmond and Miami railroad company;

No. 76. An act to amend an act relative to the school fund in Lagrange county;

No. 106. An act abolishing the road tax in the county of Daviess;

No. 129. An act to vacate sixteen lots in the town of Harrisonville;

No. 137. An act to revive and amend a certain act therein named;

No. 148. An act to provide for the distribution of certain public documents;

No. 152. An act to divorce Cynthia Davault from William W. Davault, her husband, and, also, Blista Ann Huffman from her husband, Jacob Huffman;

Were each read a second time, and ordered to a third reading.



No. 70. An act reducing the salary of the auditor of Putnam county;

Was read a second time, and indefinitely postponed.

No. 89. An act in relation to the Wabash and Erie canal lands;

Was read a second time, and referred to the committee on canals and internal improvements.

The rules being suspended:

On motion by Mr. Secrest,

*Resolved*, That when this House adjourn, it will adjourn to meet on Saturday morning, 9 o'clock.

No. 98. An act to prohibit the sinking fund commissioners from relinquishing mortgaged lands in certain cases;

Was read a second time, and laid upon the table.

No. 102. An act for the relief of Absalom Peyton, of Henry county;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 109. An act in relation to county auditors;

Was read a second time, and referred to the committee on the judiciary;

No. 126. An act for the relief of Martin Fitzpatrick of Daviess county;

Was read a second time, and referred to the committee on claims.

No. 131. An act to amend an act entitled "An act regulating the fees and salaries of the several officers and persons therein named," approved February 7, 1831;

Was read a second time, and referred to the committee who have that subject under consideration.

No. 146. An act to change the location of the feeder dam on Sugar creek in Parke county;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 153. An act fixing a certain annual compensation to the auditor of Boone county;

Which was amended by Mr. Hazelrigg as follows:

Amend the first section by striking out the following words: "two hundred and fifty dollars per annum," and insert the following: "one hundred dollars per annum in addition to his present salary;" and amend the second section by inserting at the commencement of the section the following words; "that so much;" and add after the figures of 1843, the following: "as conflicts with the provisions of this act."

Said bill was then read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 176. An act to authorize the President and trustees of the

town of Lafayette, in Tippecanoe county, to open and grade streets and construct side-walks in said town;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The House then proceeded to take up the messages of the Senate.

The following message was received from the Senate by Mr. Akin, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 166. A bill to divorce Matilda Knight of Clay county, from her husband Samuel Knight, in which the concurrence of the House is respectfully requested.

Said bill No. 166,

Was read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendment:

No. 233. An act declaring a mistake in the Revised Statutes of 1843, in relation to boundaries of the counties of Kosciusko and Fulton, and for other purposes;

No. 45. A joint resolution instructing our Senators and requesting our Representatives, to vote for an appropriation on the St. Joseph river;

No. 51. An act to provide for the leasing of water power on the Wabash and Erie canal;

No. 217. An act for the relief of Barbara Ann May;

No. 257. An act to correct the boundary line of Carroll county;

No. 183. An act to correct the boundary line of Richardville county;

No. 109. An act dissolving the bonds of matrimony between William Martin and Susannah Martin, of Warrick county;

No. 342. An act for the relief of Lucinda Sparks, of Floyd county;

No. 239. An act to authorize the placing of swinging gates on highways, in Dearborn county.

A message from the Senate, by Mr. Gorman, their Secretary:

## MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 156. An act amendatory to an act, authorizing the president and council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon Turnpike Company, approved January 13, 1845;

No. 150. An act in relation to the bridge over White river, on the Michigan road, in the county of Marion;

No. 204. An act for the relief of William Starks;

No. 149. An act for the relief of Survitor Jane Neal, (late Eudaly:)

No. 205. An act to locate a State road in Warren and Fountain counties;

In which the concurrence of the House of Representatives is respectfully requested.

Nos. 156, 149, and 205, in said message mentioned, were each read a first time, and ordered to a second reading;

No. 154, was read a first and second times, the rules being suspended, and referred to a select committee:

No. 204, was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

## MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, with amendments:

No. 186. An act to reduce the fees of the recorder of Johnson county;

No. 28. An act for the relief of purchasers of school lands in Harrison and Orange counties;

No. 207. An act for the benefit of supervisors of Scott county;

In which amendments of the Senate to said bills of the House, the concurrence of the House is most respectfully requested.

The amendments to said bills

Nos. 186, 28, and 207, were concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House, that the Senate have passed the following engrossed bills thereof:

No. 212. An act to authorize the board doing county business in the county of Scott, to adjust the accounts of Jacob A. Jackson, late treasurer of said county;

In which the concurrence of the House is requested.

Said bill No. 212,

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The rules being suspended therefor,

The following bills were introduced.

By Mr. Dowling,

No. 398. A bill to amend an act entitled, "An act to incorporate the Terre Haute Draw Bridge Company," approved January 13, 1845;

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

By Mr. Julian,

No. 399. An act to incorporate the Milton and Lewisville Turnpike Road Company, together with a petition;

Which bill was read a first and second times, the rules being suspended, and referred to the committee on corporations.

By Mr. Ellis,

No. 400. An act to authorize the auditor of Madison county to sell certain lands for the benefit of common schools, in said county;

Was read a first and second times, the rules being suspended, and ordered to be engrossed.

By Mr. Smith,

No. 401. An act to amend the 7th chapter, section 74th of the Revised Statutes of 1843;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Smith, Taber, and Seawright; and,

On motion,

The House adjourned until Saturday Morning, 9 o'clock.

# SATURDAY MORNING, JANUARY 10, 1846.

House met pursuant to adjournment.

On motion by Mr. Nelson,  
Mr. Snook was excused for the remainder of this session.

On motion by Mr. Rousseau,  
Mr. Lanius was excused for the remainder of the present session.  
Mr. Shanks made the following report :

MR. SPEAKER :

The committee on canals, to whom was referred bill of the House No. 343, have had the same under consideration, and have directed me to report that the committee on ways and means would have been the appropriate committee to which the bill ought to have been referred, as it relates to the finance of the State.

But it is the opinion of the committee that it is inexpedient to legislate on that subject at this time, and recommend that the bill be laid upon the table.

Which was concurred in ;

And said bill,

No. 343. A bill to authorize the State to take possession of the White Water canal, and for other purposes,

Was laid on the table.

Mr. Clymer made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred a bill of the Senate, No. 96, have had the same under consideration and directed me to report the same back to the House and recommend its passage, and said committee ask to be discharged from the further consideration of the subject.

Senate bill,

No. 96. A bill to incorporate the Lafayette hydraulic company ;  
Which was read a second time, and ordered to a third reading.

Mr. Stapp made the following report :

MR. SPEAKER :

The committee on the State Bank, which was charged with the enquiry whether the several branches of the State Bank of Indiana are in the habit of renewing the certificates of deposit drawn by



each other, and whether the holders of such certificates are required to sell the same at a discount, and if so, what discount? And also, whether any of said branches are in the habit of discrediting each other's certificates by refusing to renew such certificates of deposit, have had the same under consideration, and have directed me to report the answers of the cashiers of the State Bank and the Branch Bank at Indianapolis respectively, and ask to be discharged from the further consideration thereof.

Said answers are in the words following, to wit:

OFFICE OF STATE BANK, }  
Indianapolis, December 20, 1845. }

HON. MILTON STAPP, *Chairman*:

SIR:—In reply to the enquiry of the House of Representatives, contained in the resolution which you have handed me, as to the custom of the Branches of this Bank with regard to each other's certificates of deposit, I have to say, that we understand such custom to be, mutually to receive each other's certificates of deposit at par, when the state of demand upon them for the business of their section of the State will justify their immediately paying the cash on such certificate; and when they cannot use the funds at the point whence the certificate is issued, it is usual to make such charge for cashing it as will compensate for the expected delay in procuring the money from the Branch issuing the certificate; and this from the necessity of the case, and not with any view of discrediting a sister Branch whatever.

At the present season of the year, when at every branch there is a most pressing demand for currency at its counter for carrying off the produce of its vicinity, it is frequently impossible for Branches to cash certificates of deposit on other Branches, where their customers could not be expected to go to procure funds for business.

The Directors of the State Bank encourage the most liberal extension of credit between the Branches within their power.

Very respectfully yours,

JAMES M. RAY, *Cashier*.

BRANCH BANK, }  
Indianapolis, December 20, 1845. }

HON. MILTON STAPP, *Chairman*:

SIR:—In answer to the resolution of the House of Representatives conveyed to me in your note of the 18th instant, (handed to me on this day,) making enquiry as to the habit of the several

Branches of the State Bank in receiving the certificates of deposit of each other, I would state, that it is the custom of this Branch to cash or receive on deposit at par, the certificates issued by those Branches where, in the regular course of our business, they can be used without loss, but when issued by Branches which are out of the range of our business, or where in the course of our transactions the balance would be decidedly in our favor, a charge is made at such rate as will compensate for the delay in returning the funds.

During that portion of the year when our dealers are most actively engaged in purchasing and carrying off the produce of the country, it has occurred that the demand for currency was so urgent that we were compelled to refuse cashing the certificates used by other Branches, not for want of confidence or with a view to discredit the issuing branch, but from necessity.

Respectfully yours,

THOS. H. SHARPE, *Cashier.*

Mr. Stapp made the following report :

MR. SPEAKER :

The committee on the State Bank, to whom was referred the report of the State Bank of Indiana and the reports of the several Branches thereof, have had the same under their consideration, and have directed me to report the same to the House without comment, and ask that they be filed with the Legislative papers of the session.

Which was concurred in.

Mr. Leyman made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of Rufus A. Lockwood ; also, the communication of James Morrison, have had the same under consideration, and direct me to report the accompanying bill, and respectfully recommend its passage.

No. 402. A bill for the relief of Rufus A. Lockwood ;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Hall of Gibson made the following report :

MR. SPEAKER :

The select committee to whom was referred a joint resolution of the House entitled "A joint resolution removing the superintendent

and censuring the clerk of the State prison," have had that subject under consideration, examined the evidence referred to them, and have directed me to report that there is no just cause of complaint against either the superintendent or clerk, and have therefore directed me to report said joint resolution back to the House and recommend that it be indefinitely postponed, and ask to be discharged from the further consideration of that and all other subjects referred to them on the subject of the State Prison.

Upon the concurrence of which,  
Messrs. Riley and Vandever demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron, Carnan, Chambers, Clements, Clymer, Coffin, Cookerly, Coon, Cornelius, Cox, Davis, Dole, Dowling, Ellis, Endecott, Ferguson, Hall of Gibson, Harvey, Hazelrigg, Henry, Herron, Hill, Hinchman, Huff, Jackson, Lanius, Lemmonds, Lewis, Logan, McRae, Meeker, Mickle, Mooney, Nofsinger, Osborn of Sullivan, Parker, Porter, Powers, Rippey, Robinson, Seawright, Secrest, Shanks, Sleeth, Stanfield, Stapp, Stewart, Tedford, Tomlinson, Watt, Webb, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum and Mr. Speaker—63.

*Those who voted in the negative are,*

Messrs. Carter, Conduit, Ford, Fuller, Henton, Jones, Julian, Kerr, Kimberlin, Leyman, Lowe, McCormack, McDonald, Morrow, Nelson, Riley, Ruby, Taber, Thompson, Vandever, and Wiley—21.

So said report was concurred in :

And said joint resolution was indefinitely postponed.

Mr. Clements made the following report from a select committee:

MR. SPEAKER:

The select committee to whom was referred the petition of John B. Coleman and another, from Daviess county, have directed me to ask that said committee be discharged, with leave to withdraw said petition;

Which was concurred in.

Mr. Hazlerigg made the following report:

55 H

MR. SPEAKER:

The select committee to whom was referred the petition and remonstrance of sundry citizens of Hendricks county relative to attaching a part of said county to the county of Marion, have had that subject under consideration and directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Lanius made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Posey township, Switzerland county, praying to be attached to Ohio county, have had the same under consideration, and have authorized me to report, that on account of the lateness of the session, it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee to whom bill of the House No. 301, was referred with instructions to enquire upon what law the State bank claims the right to issue notes of a less denomination than five dollars, have had the same under consideration, and instructed me to report the same back to the House without amendment, together with a communication of James Morrison, Esq., President of the Bank, and ask to be discharged from the further consideration of the subject.

Said bill, No. 301. A bill to authorize the State Bank to issue notes of a less denomination than five dollars, and for other purposes;

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Arnold made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of sundry citizens of Bartholomew county, praying the vacation of a part of a State road therein named, have had the same under consideration, and directed me to report the following bill, and recommend its

passage, and ask to be discharged from the further consideration thereof.

No. 403. A bill to vacate a part of a State road in Bartholomew county;

Which was read a first, second, and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Jackson made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition for the relief of Jacob Whisler of the county of Tipton, having had the same under consideration, have directed me to report the following bill and recommend its passage.

No. 404. A bill for the relief of Jacob Whisler:

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Cornelius made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the counties of Dearborn and Ohio for the repeal of the law establishing the county of Ohio, have had the same under advisement, and have instructed me to report, that it is inexpedient to legislate on the same at this time, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Stapp made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 314, to subject certain lands to taxation, have had the same under consideration, and have directed me to report the same back with one amendment, and ask the concurrence of the House.

No. 314. A bill to subject certain lands to taxation;

The amendment is as follows:

“Strike out the 1st section from the enacting clause, and insert the following:

“That all school lands which have heretofore been sold, or which may hereafter be sold, shall be subject to taxation as other lands, after ten years from the time of the sale thereof;”



Which amendment was adopted, and said bill was ordered to be engrossed for a third reading.

Mr. Wilson of Sullivan, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Sullivan county, on the subject of defining the channel of Turtle creek, have had the same under consideration, and have instructed me to report the following bill and recommend its passage.

No. 405. A bill to define the channel of Turtle creek, in Sullivan county;

Which was read a first time, and ordered to a second reading.

Mr. Ford made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the counties of Wayne, Randolph, Jay, Wells, and Allen, praying for a Railroad charter from Fort Wayne, in Allen county, to Cambridge city, in Wayne county, have had the same under consideration, and directed me to report the following bill and recommend its passage.

No. 406. A bill to incorporate the Fort Wayne and Cambridge City Railroad Company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Conduit made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the Senate No. 91, have had the subject under consideration, and have directed me to report the bill to the House with the following amendments:

Insert after section 2 the following additional sections:

"SEC. 3. It is hereby made the duty of the auditor of the county of Morgan to ascertain by the first Monday in May, 1846, the amount of road tax due from the treasury of said county to the respective road districts therein, and upon the application of the supervisors of such districts, the said county auditor shall issue orders upon the county treasury payable to the several persons entitled thereto as such supervisors, for the amount due their districts respectively, and all such orders shall be numbered, dated and recorded as is directed in the 56th section of chapter 7, of the Revised Statutes of 1812.

"Sec. 4. Before the supervisors of said county shall be authorized to draw the amount of road tax due their respective districts, they shall enter into bond with security to the satisfaction of the auditor in a penalty equal to the amount of money so received, conditioned for the faithful application of the money according to law."

Which amendment was adopted ;

And said Senate bill,

No. 91. A bill abolishing the highway tax in Morgan county,  
Was ordered to be engrossed for a third reading.

Mr. Leyman made the following report :

MR. SPEAKER :

The select committee to whom was referred bill No. 239, authorizing Nicholas McCarty to build a mill dam across White river, in Marion county, have had the same under consideration and instructed me to report the same back without amendment, and recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Wilson of Noble made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition of sundry citizens of Noble county, have had the same under consideration and directed me to report the following bill and recommend its passage :

No. 407. A bill to locate a State road in Noble county ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Smith made the following report :

MR. SPEAKER :

The select committee to whom was referred bill No. 401 of the House, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

No. 401. A bill to amend the 7th chapter, section 74, of the Revised Statutes of 1843 ;

Which was read a second time, and ordered to be engrossed for a third reading.

Mr. Webber made the following report :

MR. SPEAKER :

The select committee to whom was referred the bill for the divorce of Arthur E. Williams, have had the same under consideration, and have instructed me to report the bill back and recommend its passage.

No. 381. A bill for the divorce of Arthur E. Williams ;

Which was read a second time, and ordered to be engrossed for a third reading.

Mr. Julian made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition of sundry citizens of Hagerstown, in Wayne county, praying for the incorporation of said town, have had the same under consideration, and now beg leave to report the following bill, and ask to be discharged from the further consideration thereof :

No. 408. A bill to incorporate the town of Hegerstown ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Sleeth made the following report :

MR. SPEAKER :

The select committee to whom was referred the petitions of sundry citizens of Shelby county, in relation to an act authorizing Joseph Quinn and James Norvell to erect toll bridges, approved January 13, 1845, have had the same under consideration, and direct me to report the following bill, and respectfully recommend its passage :

No. 409. A bill declaratory of, and to amend an act entitled "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845 ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Porter made the following report :

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Harrison county relative to the resurvey of a certain school section therein, have had the same under consideration, and have directed me to report the following bill:

No. 410. A bill to authorize a re-survey of section 19, in township 3 south, range 5 east, in Harrison county;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Osborn of Laporte made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 362, a bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville, have had the same under consideration, and have instructed me to report it back to the House with the following amendments, and with said amendments recommend its passage, and said committee ask to be discharged from the further consideration thereof.

Said bill, No. 362, and 250 copies of the amendment ordered to be printed, and the bill made the order of the day for Monday next at 10 o'clock, A. M.

The amendments are as follows:

Amendments proposed by the select committee of the House, (Messrs. Osborn of Laporte, Harvey and Watt,) to House bill No. 362, entitled "A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville.

"SEC. 6. After the word "Evansville," in the 13th line, insert "And all necessary side-cuts, feeders, feeder dams, reservoirs, and all sidecuts which may be hereinafter particularly mentioned."

"SEC. 8. Also, strike out the word "them," wherever it occurs in the 64th, 65th and 66th lines, and insert in its place the word "it," so that it shall read as follows: "*Provided*, That if the State at any time hereafter becomes the holder of any of said stock, she may at her election deem it to be extinguished, or she may regard it as still outstanding, and be entitled to receive and draw upon it whatever of interest the tolls and revenues of said canal may pay upon it." Also, strike out the word 'inclusive,' in the 74th and 82d lines, and insert in its place the word 'exclusive.'

"SEC. 9. After the word 'them,' in the 11th line, insert the following: 'And if any one or more of such subscribers shall fail to pay as specified in this section, it shall be lawful for any one or more of

the other subscribers to said advance, or others, to pay the same, and such payment shall give to the person or persons so paying the like lien on said canal, its lands and revenues, for the amount so at any time paid, as the original subscribers might have if paid by them: and the trustees appointed under the provisions of this act shall pay to him, her, or them, his, her or their proper share of the avails thereof.' Also, after the word 'State,' in the 16th line of the same section, insert the following: 'And no such failure or any act or omission, or consequence of such failure, act or omission on the part of the said subscribers to said advance, shall at any time in any manner operate as a pledge of the faith of the State for any sum or sums hereby provided to be paid out of the revenues or lands of said canal; but the execution of the deed as specified in section eight of this act, shall of itself operate as a release of the faith of the State from the payment of any part of such sum, and all other sums and interest except the principal of the stock and the interest of two and one half per cent. per annum, as provided in the first section of this act.'

"SEC. 10. Fill up the blank in the 39th line as follows: '33 or 34 and 46 as heretofore surveyed.'

"SEC. 12. Strike out the words 'by this act authorized to be issued,' in the fifth line, and insert in their place the following: 'issued by virtue of the first section of this act.'

"SEC. 18. Strike out all after the word 'works,' in the fourth line.

"SEC. 22. Strike out the words 'for good cause,' in the 5th line, and after the word 'Governor,' in the sixth line, insert the following: 'during the vacation of the legislature, or by the General Assembly when in session, for misconduct, inefficiency, or neglect of duty;' also add to the section as follows: 'during his continuance in office.'

*Add to the bill the following sections.*

"SEC. 23. Said trustees shall have the right to locate and construct such feeders, feeder dams, side-cuts, and reservoirs, as may be necessary to supply said canal with water, and may take such timber, stone, or other materials as may be necessary for the construction of said canal, by making to the proper owners reasonable compensation therefor, on the same terms and in the same manner as the Superintendent of said canal is now authorized by law to do; and the word '*canal*' wherever used in this act, shall be construed to mean and include all its feeders, feeder dams, side cuts, and reservoirs."

"SEC. 24. Every person who shall wilfully and maliciously injure or destroy any lock, culvert, or embankment of said canal, or shall wilfully or maliciously make any aperture or breach in any embankment of said canal with intent to injure or destroy the same, shall, on conviction, be punished by imprisonment in the State Prison at hard



labor not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than two years; and shall be moreover liable to said trustees for the damages occasioned thereby, which damages when recovered, shall be considered as a part of the revenues of said canal, and applied accordingly.

"SEC. 32. This act shall take effect and be in force as soon as the subscription mentioned in section six shall be made, and ten per cent. thereon paid to the trustees elected as provided in section seven of this act and not before."

Mr. Kimberlin made the following report:

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Hamilton county, praying for the extension of the Madison and Indianapolis railroad to Peru, have had the same under consideration, and finding that there is a bill in the House to that effect, they ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Clymer made the following report:

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Elkhart county, have had that subject under consideration, and instructed me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration of the subject.

No. 411. An act legalizing the establishment of all State and county roads in Elkhart county ;

Which was read a first time, and ordered to a second reading.

Mr. Fuller offered the following resolution :

*Resolved*, That the committee on ways and means allow in their appropriation bill twenty-seven dollars and fifty cents for office rent to the Adjutant General.

Which was adopted.

Mr. Cookerly gave notice that on to-morrow he would introduce a resolution to change the standing rules of the House as to create an additional standing committee, to be designated as the committee on the trust funds of the State.

## BILLS INTRODUCED.

By Mr. Hazelrigg,

No. 412. An act for the relief of John Patterson of Boone county;

By Mr. Lanius,

No. 415. A bill to secure to Ohio county a share of the common school and surplus revenue funds and for other purposes;

By Mr. Cruikshank,

No. 418. An act for the relief of the widow and heirs of Thomas Murphey, deceased;

By Mr. Rousseau,

No. 420. An act regulating the times of holding probate courts in Greene county;

Which were each read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Vandever,

No. 413. A bill for the relief of John Davis of Orange county;

By Mr. Cruikshank,

No. 416. A bill to incorporate the Northern Central canal company;

By Mr. Meeker,

No. 419. An act relative to certain lots in Indianapolis;

Were each read a first time, and ordered to a second reading.

By Mr. Seawright,

No. 414. An act relative to supervisors in the county of Clinton;

Which was read a first and second times, the rules being suspended,

Amended by adding Carroll county;

And ordered to be engrossed for a third reading,

By Mr. Nofsinger,

No. 417. An act to extend the time of holding probate courts in Parke county;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Nofsinger, Endecott, and Nelson.

By Mr. Mickle,

No. 421. A bill to obtain the necessary amount of water at the summit level of the Wabash and Erie canal by a feeder from the St. Mary's river;

Was read a first and second times, the rules being suspended, and referred to the committee on canal and internal improvements.

By Mr. Clements,

No. 422. A bill, with a petition, to locate a State road from Troy on the Ohio river, to Hillsborough in Martin county;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Clements, Thompson, Huff, and Lemmonds.

By Mr. Dowling,

No. 423. A bill for the relief of Henry Mancel and the widow and heirs of John Reed, deceased;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Turner,

No. 424. A bill for the relief of Jacob Emsharille of Blackford county;

Which was read a first time, and ordered to a second reading.

By Mr. Taber,

No. —. A bill extending the time of payment to purchasers of canal lands five years from and after the first Monday in October, 1847;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Taber, Smith, Slater, Clymer, and McDonald.

By Mr. Ferguson,

No. 426. A bill to provide for a settlement with the superintendent of the State Prison;

Which was read a first and second times, the rules being suspended, and referred to the committee on the State Prison.

By Mr. Slater,

No. 427. A bill to exempt from taxation, for corporation purposes, certain lands within the limits of Lawrenceburgh;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

By Mr. Blackwell,

No. 428. A bill for the relief of Mary Ann Bruner;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Endecott,

No. 429. A bill to repeal an act, &c., approved January 6, 1845;

Was read a second time, and ordered to be engrossed for a third reading.

By Mr. Lanius,

No. 430. A bill to legalize the proceedings of the board of trustees of the town of Rising Sun, in Ohio county;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Jackson,

No. 431. A bill to legalize the acts of Daniel B. Redman;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, with amendments:

No. 278. An act to provide for the election of county surveyors in Fulton and Marshall counties;

No. 182. An act to legalize certain deeds therein named;

No. 271. An act to locate a State road in the counties of Ohio and Switzerland;

No. 268. An act relative to the duties of county recorders.

In which several engrossed amendments of the Senate to said bills, the concurrence of the House of Representatives is most respectfully requested.

Said amendments to the bills were each severally read and concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 161. An act providing for the better payment of the mortgages due the University Fund;

No. 104. An act to incorporate the Fort Wayne and Lima Turnpike Company;

No. 170. An act to extend the Burlington and Lafayette State road;

No. 162. An act to amend an act relative to claims for damages on the public works;

No. 114. An act to amend an act relative to the Asylum for the education of the Deaf and Dumb;

No. 40. An act supplemental to an act entitled "An act for the relief of Nathan Burchfield," approved February 11, 1843.

No. 174. An act to provide for the appointment of township assessors, in the counties of Monroe and Morgan;

No. 188. An act to extend an act entitled "An act to provide for a more efficient mode of expending the road tax in the several counties therein named," approved January 15, 1844, to the county of Kosciusko;

No. 151. A bill to incorporate the White river Presbyterian church and society, in Greene county;

No. 190. An act for electing an additional justice of the peace, in Hendricks county;

No. 185. An act to incorporate the Covington Band of Musicians;

No. 167. An act in relation to vending intoxicating liquors, in Floyd county;

No. 186. An act to extend the provisions of a certain act in the county of Allen;

No. 172. An act in relation to the Laporte county Library;

No. 141. An act for the relief of William Phillips, of St. Joseph county;

No. 177. An act for the relief of the estate of Israel Phillips, late of Marion county, deceased;

No. 171. An act for the relief of Sarah Gregory, of Laporte county;

No. 194. An act for the relief of Peter N. Clark, of Marion county;

No. 192. An act legalizing a certain record of the board of commissioners of Marshall county;

No. 180. An act to dissolve the bonds of matrimony heretofore and now existing between William Beckford and Elizabeth Beckford;

No. 191. An act for the relief of Ann Evans, of Martin county;

No. 182. An act to incorporate the Rockville and Montezuma Railroad Company;

No. 154. An act to incorporate the Fort Wayne and Plymouth Turnpike Company;

No. 211. An act to authorize the recording of a road in Steuben county;

No. 169. An act for the relief of Moses Noble, of Vanderburgh county.

In which the concurrence of the House of Representatives is most respectfully requested.

And that the Senate have also passed the following engrossed joint resolution thereof:

No. 13. A joint resolution establishing the per diem allowance of the probate and associate judges of Tippecanoe county.

In which the concurrence of the House of Representatives is respectfully requested.

I am also directed by the Senate to inform the House of Representatives, that the Senate have concurred in the engrossed amendment of the House of Representatives, to bill of the Senate No. 133.

Nos. 161 and 114, in said message mentioned, were each read a first and second times, the rules being suspended, and referred to the committee on education.

No. 170, was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Leyman, McCormack, and Webber;



No. 171, was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Smith, Carter, and Taber.

Nos. 104, 162, 40, 174, 188, 151, 190, 185, 167, 186, 172, 141, 177, 194, 192, 180, 191, 182, 154, and 211, in said message mentioned,

Were each read a first time, and ordered to a second reading.

Joint resolution No. 13, was read a first time, and ordered to a second reading.

No. 169, in said message mentioned, was read a first and second times, the rules being suspended, and amended

On motion by Mr. Thompson, as follows;

Sec. 2. *And be it further enacted*, That the bonds of marriage existing between Harrison Borer and Mary E. Borer residents of Perry county, be and the same are hereby dissolved.

Said amendment was ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 266. An act for the relief of James Miller;

No. 305. A bill for the relief of Robert Stockwell, of Gibson county;

No. 241. An act for the relief of the citizens of district No. 3, in congressional township No. 28, north of range 3 east, in Adams township, Cass county;

No. 325. An act to re-locate a part of a certain State road, in Marion county;

No. 110. An act to authorize a re-appraisement and sale of school lands in this State;

No. 43. An act establishing a State road in the counties of Elkhart and St. Joseph;

No. 273. An act authorizing B. F. C. Lodge, late collector for Jefferson county, to collect arrearages of taxes;

No. 302. A bill to vacate the town of Blakesburgh, in Putnam county;

No. 299. An act for the relief of Susan Whorley, of Hamilton county;

No. 254. An act authorizing John Howenstein, his heirs and assigns to keep, maintain, and improve his mill premises, and their appurtenances, on the St. Mary's river, in the county of Allen;

No. 306. An act for the relief of Eliza Ann Storm, of Marion county;

No. 289. An act establishing a State road in the counties of Montgomery and Fountain;

No. 261. An act locating a State road in the counties of Fulton and Marshall;

No. 310. An act in relation to the granting of tavern licenses, in the county of Cass;

No. 65. An act to attach certain territory therein named, to the county of Jennings, for road purposes;

No. 300. An act concerning road tax, in the county of Wells.

No. 308. An act legalizing the acts of certain justices of the peace, in Allen county;

No. 279. An act for the relief of Sarah Wallace;

No. 326. A bill to abolish the necessity of special legislation in the counties of Adams and Jay;

No. 313. A bill for the relief of Martha Jane Vandusen, of Vanderburgh county; and,

On motion,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

House met.

#### ORDERS OF THE DAY.

#### SENATE BILLS ON THIRD READING.

No. 76. An act to amend an act relative to the school fund in Lagrange county;

No. 106. An act abolishing the road tax in the county of Daviess;

No. 105. A bill to locate a State road in the counties of Fountain and Warren;

No. 12. A joint resolution for the continuation and completion of the Cumberland road;

No. 129. An act to vacate sixteen lots in the town of Harrisonville;

No. 137. An act to revive and amend a certain act therein named;

No. 148. An act to provide for the distribution of certain public documents;

No. 139. A bill to provide for the erection of a monument on the Tippecanoe battle ground;

No. 152. An act to divorce Cynthia Davault from William W. Davault, her husband; and, also, Blista Ann Huffman from her husband, Jacob Huffman;

No. 75. An act relative to the northern division of the Central canal;

Which was amended by the 13th section of the bill being stricken out with the unanimous consent of the House.

No. 29. An act to incorporate the Richmond and Miami turnpike company;

Were each read a third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 393. A bill for the divorce of Robert Hemphill, of Monroe county;

No. 389. A bill to provide for a free turnpike road in Steuben county;

No. 370. An act granting additional power to the president and trustees of the town of Dublin;

No. 366. A bill to locate a State road in the counties of Bartholomew, Decatur, and Jennings;

No. 365. A bill amendatory of the several acts relative to the New Albany and Vincennes road;

No. 207. An act to amend the fourth article, chapter seven, of the Revised Statutes of 1843, and for other purposes;

No. 371. A bill for the relief of E. J. Peck;

No. 373. An act for the relief of James S. Mayes, late school commissioner of Knox county;

No. 392. A bill for the relief of Indiana Young;

No. 355. An act to vacate a part of the town of Independence, in St. Joseph county;

No. 378. A joint resolution extending the provisions of a certain act therein named;

No. 356. A bill to legalize the judicial acts of John F. Merrill, late a justice of the peace of Huntington county;

No. 352. A joint resolution in relation to the Buffalo and Mississippi railroad;

No. 351. An act to authorize Samuel J. Hoge to construct a mill dam across the Tippecanoe river in Fulton county;

No. 358. An act for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased;

No. 353. An act amendatory of an act entitled "An act incorporating the town of South Bend, St. Joseph county, Indiana," approved January 15, 1844, and for other purposes;

No. 354. An act supplementary of an act entitled "An act to incorporate the South Bend manufacturing company," approved December 28, 1842;

No. 357. An act to amend section 27, chapter 7, Revised Statutes of 1843, in relation to allowance by county commissioners to sheriffs by county boards;

No. 400. An act to authorize the auditor of Madison county to sell the 16th section;

No. 358. An act relative to the fees of auditor of Monroe county;

No. 375. A bill to authorize and permit John Carter of Brown county to relinquish a part of certain saline lands in Brown county;

No. 363. An act declaring a road therein named a State road;

No. 384. An act authorizing the commissioners of Henry county to reduce the width of a county road;

No. 387. An act legalizing the election and official acts of William H. Parmalee, a probate judge of Wells county;

No. 390. A bill for the relief of Henry D. Smith;

No. 372. A bill to repeal certain acts therein named;

No. 345. A bill to authorize the commissioners of Carroll county to make a certain appropriation therein named;

No. 377. A joint resolution for the reduction of the price of public lands to actual settlers;

No. 376. A joint resolution transferring a certain book from the State Library to the State University;

Were each read a third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS ON SECOND READING.

No. 149. An act for the relief of Survilar Jane Neal, late Eudaly;

No. 156. A bill to amend an act therein named;

No. 166. An act to divorce Matilda Knight of Clay county, from her husband, Samuel Knight;

No. 205. An act to locate a State road in Warren and Fountain counties;

Were each read a second time, and ordered to a third reading.

#### HOUSE BILLS ON SECOND READING.

No. 394. An act making general appropriations for the year 1846;

No. 395. A bill to provide for the payment of the members and officers of the General assembly;

No. 397. A bill relative to the organization of the militia;

Were each read a second time, and ordered to be engrossed for a third reading.

No. 396. A bill amending the 45th section of chapter 12th of the Revised Statutes of 1843, and for other purposes;

Was read a second time and amended,

On motion by Mr. Yocum,

As follows:

SEC. —. All the acts of county treasurers and auditors that may have entered omitted lands for taxation and charged thereon the taxes, interest, and penalties for the taxes of any former year or years, be and the same are hereby legalized, and declared to be as

valid as if the same had been done after the taking effect of this act."

Said bill, as amended, was then ordered to be engrossed for a third reading.

No. 398. An act for the relief of Chapel W. Brown of Laporte county;

Was read a second time, and referred to a select committee of Messrs. McDonald, Clymer, and Stanfield.

#### PETITIONS, &C. PRESENTED.

By Mr. Yocum,

A petition from sundry citizens of Clay county for the passage of a law to change the mode of doing county business in said county;

Which was referred to a select committee of Messrs. Yocum, Blackwell, and Sleeth.

By Mr. Cameron,

A petition from Henry county, for a railroad charter therein named;

Which was referred to a select committee of Messrs. Cameron, Hinchman, and Stapp.

By Mr. Powers,

A petition for an alteration of the license law in Steuben county;

Which was referred to a select committee of Messrs. Power, Carr, and Mooney.

By Mr. Tedford,

A petition from sundry citizens of Clinton and Richardville counties for special legislation for a certain congressional township therein, in regard to school laws;

Which was referred to the committee on education.

By Mr. Tedford,

A petition to have the water privilege at Lockport, Carroll county, leased out;

Which was referred to the committee on canals and internal improvements.

By Mr. Henton,

A petition to attach a portion of Kosciusko and Fulton counties to Wabash county;

Which was referred to the committee on roads.

By Mr. Webber,

A petition for the appointment of commissioners to settle with John Carlisle, of Indianapolis;

Which was referred to the committee on canals and internal improvements.

By Mr. Ford,

A petition of sundry citizens of Randolph county, on the subject of equal rights;

Which was referred to the judiciary committee.



By Mr. Henry,

A petition for an appropriation to build a bridge across Sugar creek, on the Indianapolis and New Castle State road;

Which was referred to the committee on roads.

By Mr. Ford,

A petition for extension of time to the Hagerstown and Winchester Turnpike Company, to complete said work;

Which was referred to a select committee of Messrs. Ford, Rousseau, and Conduit.

By Mr. Carr,

John Buskirk's claim against the State for arresting Thomas Melville;

Which was referred to the committee on claims.

Mr. Lowe made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the resolution enquiring into the expediency of transferring probate business to the circuit courts, and other objects connected therewith, have had the same under consideration, and report the following bill, and recommend its passage.

No. 432. A bill to change the mode of doing probate business, and to re-organize the circuit courts;

Which was read a first and second times, the rules being suspended, and laid upon the table.

Mr. Carr made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution of the House, directing said committee to inquire into the expediency of reducing the amount of bond required of the several county auditors, on account of the management of the trust funds, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 433. A bill for the relief of county auditors;

Which was read a first time, and ordered to a second reading.

Mr. Baker made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the accounts of the engineers appointed by the Governor, to survey and locate the Wabash and Ohio canal from Terre Haute to Evansville, have carefully examined the same, and have

found them to be correct, with the exception of two items, one of twenty-five dollars, and the other of twenty-one dollars and fifty cents, which two items have been disallowed by the committee. The committee have therefore, directed me to report the following bill, recommend its passage, and ask to be discharged from the further consideration of the subject.

No. 434. A bill to provide for the payment of the expense of surveying and locating the Wabash and Ohio canal from Terre Haute, to Evansville;

Which was read a first time, and ordered to a second reading.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the Senate No. 136, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage.

Senate bill No. 136. A bill to amend an act to incorporate "The Indiana Church," approved December 7, 1810, and an act amendatory thereto, approved January 22, 1818;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Cookerly made the following report:

MR. SPEAKER:

The select committee to whom was referred a communication from the commissioners of the Sinking Fund, asking an investigation into their conduct as commissioners, and the condition of the fund under their control, have, in pursuance of their appointment, made an examination of the fund, and the conduct of the Commissioners, and most respectfully submit the following report.

It will be proper to say, that the committee did not deem it expedient to enter upon that deep and thorough investigation of the matter, as they would, had time and circumstances permitted. The records were not minutely searched for the purpose of information, relative to the situation of the fund; but reliance was placed, and we think safely too, upon the statements of James M. Ray, Clerk of the Board, detailed to us under oath. Resort was also had to the testimony of Mr. McChesney, who is assistant Clerk of the board, and keeps the books. From these two gentlemen, together with a partial examination of the books, the following statement was obtained.

The whole amount of the State loans for banking purposes, and

the premiums received on the same, were drawn by Samuel Merrill, Esq., former President of the board, (except the part of the premium from which the Fund Commissioners were paid) and charged to him; and his account is balanced by his applying the proceeds to the payment of the State's Bank capital loans to stockholders, to pay part of their stocks, and other loans, and the residue made subject to the appropriations of the Sinking Fund Board.

Part of the proceeds of the State loan was appropriated to the charge of Robert Morrison and Lucius H. Scott, Commissioners, who accounted for the same, and all their receipts of the fund in loans made and reported to the Board, regularly, and the balance adjusted, and their accounts closed.

As much of the dividends on the charter capital as was required, has been applied to the payment of the interest on the bank bonds in full, up to last July, as the receipts from the Merchant's Bank, New York, show, and the remainder subject at each branch to the order of the commissioner for the loans or appropriation of the Board. The dividends received on the mortgages of stockholders, is semi-annually carried to the credit of each mortgagor; after the same is declared he is charged with the accruing interest, and any excess of the dividend over such interest is applied to the reduction of the principal debt.

The interest received is entered, with the day of its receipt, posted to each borrower's loan, and the total amount received every month carried to the credit of the interest account, and to the debit of the office, branch, or commissioner receiving it, or to whose account it is to be carried for adjustment.

In November 1843, General Drake and Colonel Pepper, two of the commissioners, were appointed by the board to examine the condition of the Sinking Fund, including all the mortgages, and the expenditures and vouchers from the commencement.

These mortgages had all been taken by their predecessors, and they made abstracts of them which are on file, and submitted to us, and by which the whole amount of the unpaid mortgages of the fund, up to December 4th, 1843, was found to be \$705,565 73, which agreed within \$13 79 with the balance on the books of the fund, which difference the committee state in their report. They were unable to say, in taking an account of the unpaid balances of so large an amount of mortgages, whether it was in their abstract or not.

From that, December 4th, 1843, to the date of the last report,

December 1st, 1845, the amount credited of loans	
refunded, - - - - -	\$114,277 92

Of which there is refunded by sales of forfeited	
lands on credit, - - - - -	42,591 72

Leaving the net amount realized of loans,	<u>\$71,686 20</u>
---	--------------------

Losses realized on loans by sale of forfeited lands, in same period, - - - -	904 00
---	--------

---

\$72,590 20

Which taken from the amount of loans on Decem- ber 4th, 1843, - - - -	\$705,579 52
--	--------------

Leaves the balance of mortgages on the 1st of De- cember, 1845, - - - -	632,989 32
--	------------

Add to this balance, the amount of loans on notes,	2,054 30
--	----------

---

Makes the total amount of loans,	\$635,043 62
----------------------------------	--------------

Agreeing with the amount in the report of that date, December 1st, 1845.

The loans on the notes, according to the statement of Mr. Merrill, former President, by whom they were made, reported by such committee were for a greater part, loans made of uncurrent paper, which had been received in the office, and which was so disposed of as to save the State from heavy losses; others made in anticipation of mortgages, which for various causes were not furnished, others for giving inducements to persons to buy lands, which were considered hard cases, and others to prevent sales of land, for non-payment of interest. These notes are deemed entirely secure.

The amount of mortgages given by stockholders of the bank, for the means of paying part of the instalments of their stock unpaid, is \$171,896 45. These are secured, not only by the mortgaged land, but by the application of the excess of the dividends on the stock of the borrowers, over and above the interest on the mortgage.

The same committee had an abstract made of all the expenditures of the Sinking Fund, from the commencement in 1834, to February 1844, when the committee reported to the board; which expenditures were generally made by the commissioners in office before those comprising the committee, which abstract we examined. In this abstract, the objects of expense are classed, and the person receiving each sum is stated, and the abstract has been carried forward from February, 1844, to the 1st day of December, 1845, the date of the last annual report as submitted to us. From which it appears the expenses have been as follows;

To the commissioners for services and expenses,	\$13,607 91
To clerk and assistant, - - - -	9,330 08

For printing, rent, and all other incidental expenses, - - - -	\$8,648 17
---	------------

From which deduct expenses refunded,	986 12
--------------------------------------	--------

---

7,662 05

Leaves the net amount of incidental expenses,	\$30,600 05
---	-------------

Which amount corresponds (except 56 cents of difference), with the amount stated in the last report as current expenses, &c.,	\$25,673 19
Current expenses of surplus revenue,	4,927 42
	<hr/>
	\$30,600 61

The other items comprised in such abstract, amount according to the same as follows:

For amount paid the Merchants' Bank, New York, as commission for paying interest on the State bonds for banking purposes,	\$2,632 50
For expenses of making loans for banking purposes,	4,799 14
For transporting specie to the branches, for the capital of the State,	3,391 15
For expense of engraving and preparing five per cent. Treasury notes,	3,338 47
	<hr/>
	\$44,761 15

For payment of interest on the State Bonds under the charter, (in addition to \$73,097 in the Merchants' Bank for that purpose, coupons not returned,)	\$608,520 00
For interest on the part of loan of 1839, received,	589 05
For interest and exchange,	27,144 95
	<hr/>

Total expenditure,	\$681,015 87
Corresponding with the items in the last annual report.	

The five per centum damages which are charged on every mortgage forfeited, when the land is sold to an individual purchaser, and not to the State, and which amount to \$4,379 05 from the commencement, have never been drawn from the fund or any part thereof, by the commissioners. This five per cent. is claimed by the commissioners as a part of their salary, and the committee, after an examination of the law, are led to believe that they are entitled to the same. This being the case, we would especially recommend a repeal of all law under which the commissioners claim these damages, and the passage of an act giving the five per cent. damages to the fund, and let it become a part and parcel of the same. This is the most important of all the trust funds, and it behoves us to resist every thing, having a tendency to reduce it, and make every exertion compatible with right and justice to increase it.

The commissioners hold their regular sessions at the quarterly sessions of the board of directors of the State Bank, during the recesses of such directors' session, in parts of the day and evenings; and during such session they charge their two dollars per day as



such commissioners, for the same day that they receive three dollars per day as directors of the bank; but they do not charge their expenses as commissioners at such sessions while the State Bank directors are in session. At one session, in July 1845, held specially on account of appraising lands, when the bank board were not in session, they charged one dollar and fifty cents for their expenses while in session, as well as coming and returning.

While travelling to and from their regular sessions, at the quarterly meetings, they charge two dollars per day for the time in travelling, but no expenses, as they receive mileage from the bank. While engaged under the law of last year, in examining and re-appraising forfeited lands, they charged two dollars per day, and one dollar and fifty cents for expenses, amounting, with expenses of the special session in July, and twelve dollars for making plats by one of the commissioners, to \$959 05.

The committee are well satisfied that the charges made by the commissioners, are not too high, and therefore free from all censure. It might, however, be supposed by some, that while they are in session at their regular quarterly meeting, they ought not to receive pay both as directors and commissioners. But we regard it as but right and proper that they should so do. And, at the same time, we are constrained to say, that the commissioners' salaries are entirely inadequate to the great responsibility, which rests upon them. We therefore, can find no fault with, nor attach any blame to them for receiving the same. They are certainly entitled to such pay, under the law. In regard to the pay and expenses of the commissioners, while re-appraising the lands, the committee are of opinion, that they were not exorbitant, nor any more than was absolutely necessary. We have said this much on this part of the subject, in justification of the commissioners, and to silence the unjust reports, which have been in circulation throughout the country. We believe the fund to be entirely safe in their hands, and so long as they have the control of it, (with the present clerks,) no danger need be apprehended. While we are thus sanguine of its safety, we would respectfully urge the legislature to guard it well. And for the purpose of better securing the Sinking Fund, and all the trust funds, we would recommend an additional standing committee to be constituted, to be called the committee on the trust funds of the State, whose especial duty shall be to examine said funds, and report to the House. It might probably be more expedient to have a joint standing committee appointed by both the Senate and House of Representatives. We do not think it essential to enter into a lengthy argument, to prove the policy of the above recommendation, for we regard it as too obvious to need any argument to sustain it. With this view of it we hope the suggestion will be carried out by prompt action of the House, and if necessary, coincided in by the Senate.

The question was asked Mr. McChesney, (assistant clerk of the

board) whether any of the commissioners had purchased any lands at the different sales. In reply to which Mr. McChesney stated that Mr. William Daily, (one of the commissioners) purchased three tracts of land, amounting in all to \$1,703 47; two lying in Randolph county, and one in Henry county. It was understood at the time, that he bought them at the request of the mortgagors. We do not consider this as a just cause of censure against Mr. Daily; but we must be permitted to say, that it was a great indiscretion. Such things should not occur, however innocently they may be done. We will now give a brief statement how the books are kept, and business transacted by the board, and some of the rules and regulations which they are governed by, and bring this report to a close.

The mode in use of receiving funds and disbursing the same, is as follows;

Each commissioner receiving funds is expected to account at every quarter session of the board.

The payments at the office are to the clerk. The kind of funds paid by each individual, is distinctly entered in the books; and, if in scrip, the interest allowed is also entered, the scrip is enveloped in a separate wrapper, with name of the payer of it, the amount of scrip and interest allowed on it endorsed; and on the first Monday of each month, all the funds received during the preceding month, are paid to James P. Drake, one of the commissioners, acting as treasurer, who deposits them in the branch Bank at this place, and pays all checks for allowances of the board, and redeems the scrip held by the branches with the bankable money received as ordered from time to time by the board.

Whenever the scrip on hand amounts to \$10,000 or oftener, and always within each quarter, the commissioner acting as treasurer of the board with the clerk, delivers the scrip to the treasurer of State for registering and cancelling, taking his receipt. The amount of such treasury notes delivered over, according to the vouchers of the treasurer and auditor of State on files, is as follows:

Amount received by George H. Dunn, former treasurer, in scrip,	\$ 55,680	Int. \$ 474 67
By the present treasurer in scrip,	180,275	Int. 18,814 07
Total scrip,	\$ 235,955	\$ 19,288 74
Corresponding with these items in the last annual report.		

Under this system, the president of the board has had no part of the duties to perform of re-appraising of lands, or receiving any of the funds.

At each quarterly session of the board of directors of the State Bank, a committee of the board is appointed to settle with the commissioners of the Sinking Fund, ascertain the receipt of the fund during the preceding quarter, and receive from the fund, the bankable

ble money taken in, not required for expenditures in exchange for Sinking Fund Scrip held by the bank.

Annexed to this report will be found a condensed general review of the condition of the fund prepared and furnished to the committee by James M. Ray.

All of which is respectfully submitted.

G. F. COOKERLY, *Chairman.*

Which was laid upon the table.

*General view of the results of the operations of the Sinking Fund, to December 1, 1845.*

#### ASSETS OF THE FUND.

Stock in the State Bank of Indiana,	\$899,054 27
Loans to stockholders, under authority of the charter, - - - -	171,896 47
All other loans of the fund, - -	635,043 62
Balances due from branches,	\$49,435 47
From which the interest for January 1, 1846, in State Bonds, with commis- sion and premium will be,	34,826 06
	<hr/>
Balances due from commissioners,	14,609 41
State's portion of surplus fund in the bank,	2,973 64
Advanced to the State towards paying the debt of the State to the bank on internal improvement account by the redemption of 5 per cent. treasury notes,	161,600 00
	235,955 00
Interest allowed in redemption of the same,	19,288 74
	<hr/>
	255,243 74
Payments advanced to the State, under acts of January 29, 1841, and Feb- ruary 6, 1841,	76,400 00
Payments to the State, arising from the surplus revenue,	167,424 21
	<hr/>
	\$2,384,245 36

#### LIABILITIES OF THE FUND.

State's bonds for banking purposes,	1,386,000 00
Surplus revenue amount remaining,	108,532 87
To which is to be added the portion of surplus revenue dividend applied to discharge State's bonds,	6,000 00

Premium received on sale of State's bank bonds,	29,496 92	
Saline and bank tax fund,	5,716 27	
Excess of bids over amount due on loans forfeited,	859 79	
	<hr/>	1,536,605 85

Clear increase and profit of the Sinking Fund, from the commencement, in- cluding the profits on her bank stock, after deducting all expenses,		<u>\$847,639 51</u>
---	--	---------------------

From the State's portion of the surplus fund in the bank will be to be deducted her portion of losses in bank; and from the loans of the Sinking Fund, whatever losses may be realized thereon. And to her profits in the Sinking Fund, will be added the unpaid interest due on this loan of the fund.

Mr. Bowman made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of David Brier and other citizens of Fountain county, praying for the passage of an act providing for the payment of the damages assessed for injuries to private property in par funds, have had that subject under consideration, and have directed me report a bill in accordance with the wishes of the petitioners, and recommend its passage.

No. 435. A bill to provide for the payment of the damages assessed on the Wabash and Erie canal, west of the Tippecanoe river, in par funds;

Which was read a first time, and ordered to a second reading.

Mr. Webber offered the following resolution:

*Resolved*, That the committee on claims be instructed to enquire into the expediency of making an appropriation of — dollars, to aid the common council of the town of Indianapolis, in procuring an engine for the Good Intent Fire Company.

Which was adopted.

#### JOINT RESOLUTIONS PRESENTED.

By Mr. Stanfield,

No. 436. A joint resolution of the General Assembly of the State of Indiana, in relation to Col. John Spencer's settlement with the United States, as late receiver in the Land Office of the United States at Fort Wayne;

Which was read three several times, the rules being suspended, and passed, with the following amendment to the preamble :

“Whereas, it has been represented to this General Assembly.”

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Lemmonds,

No. 437. A joint resolution providing for the annual publication of Washington's farewell address with the Governor's message ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Stapp,

A joint resolution in relation to the signers of our Declaration of Independence ;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

On motion by Mr. Ferguson,

*Resolved*, That the committee on the affairs of the State prison be instructed to enquire if any and what changes are necessary in the existing laws for the management of the prison, the manner of leasing it, its discipline and internal government, with leave to report by bill or otherwise, as soon as possible.

On motion by Mr. Hazelrigg,

WHEREAS, It is represented in the report of the commissioners of the Lunatic Asylum that one of their number made a trip to similar institutions to gather information on the subject, at his own expense ; therefore,

*Resolved*, That the committee on ways and means be instructed to allow him a suitable compensation in the specific appropriation bill.

#### BILLS INTRODUCED.

By Mr. Hazelrigg,

No. 439. An act relative to the change of a State road in Boone county ;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Julian moved to take from the table Senate bill,

No. 62. An act to amend the laws now in force in this State regulating the duties of executors, administrators and guardians ;

Which was adopted.

Said bill was then referred to a select committee of Messrs. Rousseau, Julian and Vandever.

Mr. Hall of Gibson moved to refer the proposition of Mr. Pratt for leasing the State prison to the standing committee on the State prison ;

Which motion prevailed.



Mr. Davis moved to reconsider the vote taken on bill  
No. 219. A bill to detach a portion of Grant county and attach  
it to Blackford;

Which was adopted.

Mr. Hazelrigg moved to take up bill

No. 162. An act to repeal an act entitled "An act to confine voters to their respective townships," approved January 13, 1845, so far as relates to the county of Boone;

Which was adopted.

Said bill was then read a second time; when,

Mr. Vandever moved to indefinitely postpone the bill;

And on this motion,

Messrs. Hazelrigg and Vandever demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Brumfield, Cameron, Carr, Carnan, Carter, Chambers, Clymer, Coffin, Cookerly, Coon, Cornelius, Cruikshank, Davis, Dole, Edwards, Endecott, Hall of Gibson, Hall of Warren, Harvey, Huff, Jackson, Jones, Julian, Kerr, Kimberlin, Lanius, Leyman, Legg, Lemmonds, Lewis, Logan, McCormack, Meeker, Mickle, Mooney, Nelson, Nofsinger, Osborn of Sullivan, Powers, Riley, Rippey, Rousseau, Seawright, Secrest, Shanks, Slater, Sleeth, Stewart, Tedford, Turner, Vandever, Watt, Wiley, Wilson of Marion, Wilson of Noble, and Yocum—56.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Clements, Cox, Dowling, Ellis, Ferguson, Ford, Fuller, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, McDonald, McRae, Moore, Morrow, Parker, Pennington, Porter, Smith, Stapp, Taber, Thompson, Tomlinson, Webb, Webber, Wilson of Sullivan, Wise, and Mr. Speaker—32.

So said bill was indefinitely postponed.

The rules being suspended therefor,

On motion by Mr. Mickle,

*Resolved*, That no bills shall be introduced into this House after Thursday next, without the consent of two thirds of the members present.

Mr. Jackson introduced the following bill:

No. 440. A bill to amend the road laws in Tipton county;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof; and,

On motion,

The House adjourned until Monday morning, at 9 o'clock.

## MONDAY MORNING, JANUARY 12, 1846.

The House met pursuant to adjournment.

On motion by Mr. Tomlinson,

Leave of absence was granted to Mr. Morrow for the remainder of this session, on account of sickness.

## PETITIONS PRESENTED.

By Mr. Tedford,

A petition from the lessees of water power at Wabash dam No. 4, Pittsburgh, praying the passage of an act allowing them the use of a certain amount of water power, greater than they have at present ;

Which petition,

Mr. Tedford moved to have referred\* to a select committee ;

But was,

On motion,

Referred to the committee on canals and internal improvements.

By Mr. Parker,

A petition to extend a free turnpike on the Puiqua road through Allen county ;

Which was referred to a select committee of Messrs. Parker, Moore and Chambers.

By Mr. Osborn of Laporte,

A petition for the repeal of an act incorporating the town of Laporte, approved January 25, 1841 ;

Which was referred to the committee on roads.

By Mr. Taber,

The petition of H. Lasselle, praying relief for lumber, &c. lost near Delphi ;

Which was referred to the committee on claims.

By Mr. Yocum,

A petition from sundry citizens of Clay and Putnam counties, praying the passage of a law to make a certain road therein named a State road ;

Which was referred to a select committee of Messrs. Yocum, Nelson and Herron.

By Mr. Ferguson,

A petition and remonstrance from sundry citizens of Clark county, for and against a change in the mode of publishing legal advertisements ;

Which was referred to the judiciary committee.

By Mr. Ferguson,

A petition from sundry citizens of Clarke county for a change in the location of a State road therein named ;

Which was referred to the committee on roads.

By Mr. Ford,

A petition of sundry citizens of Carroll county for the passage of a law authorizing the rafting of logs in the canal from Lockport to the Wabash river ;

Which he moved to refer to a select committee ;

But it was referred to the committee on canals and internal improvements.

Mr. McDonald from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a bill of the House entitled "A bill to amend the third section of chapter 50, of the Revised Statutes of 1843, have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage.

No. 332. A bill amendatory of the third section of chapter 50, of the Revised Statutes of 1843 ;

Which was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Porter, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a joint resolution of the Senate, No. 10, entitled "A joint resolution on the subject of liens on real estate," have had that subject under consideration, and have amended the said joint resolution by striking it out from the resolving clause and inserting in lieu thereof the following, which is a new bill.

Said bill, as amended, was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Porter, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred the petition of William Payton and others, relative to the sale of a certain tract of

land therein named, have had the same under consideration, and have directed me to report that the law now in force makes ample provision for the prayer of said petitioners, and that further legislation on that subject is unnecessary and inexpedient; they therefore pray to be discharged from the further consideration of that subject.

Which was concurred in.

Mr. Porter, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 291, entitled "A bill more fully defining the rights of landlord and tenant, have had the same under consideration, and have directed me to report the same back to the House, and recommend its reference to the committee on agriculture.

Which was concurred in.

Mr. Porter, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the Senate No. 109, entitled "An act relative to county auditors," have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage.

Said bill, 109, was read a second time, and ordered to be engrossed for a third reading.

Mr. Ferguson made the following report:

MR. SPEAKER:

The committee on State Prison, to whom was referred bill of the House No. 426, have had the subject under consideration, and have directed me to report the following amendment:

"Strike out from the enacting clause and insert the following, which is a new bill:

Which amendment was concurred in;

And said bill, as amended, was read a second time, and ordered to be engrossed for a third reading.

Mr. Ferguson made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison, to whom was referred the memorial from the former superintendent of the construction of the new State Prison, in regard to some differences between him and the present superintendent of the Prison relative to its foundation walls, have had the subject under consideration, and have directed me to report that the matter has undergone a thorough investigation by commissioners appointed for that purpose, whose report will be found in the Documentary Journals of the last session of the General Assembly. The committee ask to be discharged, &c.

Which was concurred in.

Mr. Mooney, chairman of the committee on the State Prison, made the following report:

MR. SPEAKER:

The committee on the State Prison, to whom was referred so much of the message of his Excellency, the Governor, as relates to the State Prison, have had the subject under consideration. They have unanimously directed me to submit the following report:

The message submits but one recommendation in regard to the institution at Jeffersonville which can be made the basis of legislative action. When the convict, by his exemplary deportment and a faithful compliance with the regulations of the Prison, has given evidence of reformation, the Governor, under a rule which he has established, grants to such a convict, a short time before the expiration of his sentence, a pardon, bearing on its face the cause for which it is granted. The committee believe that this rule will have a most salutary effect in stimulating the prisoner to discharge his duties with alacrity, and to manifest a submissive and becoming demeanor. In order, however, that it may fully accomplish its intended results, a slight change in the existing law is requisite. By the twenty-first section of an act entitled "An act for the regulation of the State Prison," approved February 17th, 1838, it is provided that "at the time of the discharge of any prisoner who shall have served out the full term for which he was committed, it shall be the duty of the Superintendent of the State Prison to give to such convict three dollars." This small gratuity was designed to furnish a temporary support to the prisoner, who might otherwise be driven, by immediate want, to the commission of crime, before he could obtain the means of an honest livelihood. Several convicts, whose good conduct had entitled them to a pardon, declined availing themselves of the offered clemency of the Executive, as by a discharge before the expiration of the term to which they had been sentenced, they would, under the section above cited, have forfeited their right to this slender pittance. His Excellency has suggested a change of



the law in this particular. In compliance with the recommendation, which the committee highly approve, they have embodied a section in the bill which is herewith reported.

The term of the officers of the institution will expire during the present year. The old prison will be abandoned at an early day, as the new and more commodious building will soon be completed and ready for the reception of the convicts. The committee believe that some changes in the law might be advantageously made. They therefore submit a few hurried suggestions, illustrative of their views, and explanatory of the bill, which is herewith laid before the House.

The committee would beg the indulgence of the House to some passing remarks in reference to a subject upon which they have bestowed a careful consideration. It will be recollected that by a joint resolution, approved January 13th, 1844, his Excellency, the Governor, was requested to prepare a system for the government, management and control of the State prison, under the exclusive control of the State, and to submit the same to the General Assembly at its next ensuing session. In his first annual message Governor Whitcomb remarks that the preparation of a system in compliance with the wish conveyed in the joint resolution had "been deferred for the want of information from other States, which he was in the expectation of receiving." The message, communicated to the two houses at the commencement of the present session, though containing some appropriate and just reflections upon the subject of our penal laws, does not present any specific plan for the government of the Penitentiary. It is presumed that it will be discussed in a separate communication, should the Legislature determine to change the government of the institution, and to repeal the present law.

In the last annual message of Gov. Wallace, the propriety of an "immediate re-organization" of the Penitentiary was suggested, with a view of placing it under the exclusive control of the State. As the contract with the then lessees was on the eve of its expiration, it was a propitious moment to take into consideration the propriety of making such changes in the control and police of the establishment as time and experience might have suggested, or the promotion of the public interests required. Several propositions were submitted. A lengthy and elaborate report was made by the committee on the State prison to this House, in which the subject was fully and ably discussed. The straightened financial condition of the State, and the necessity for an immediate and heavy outlay of means to procure the requisite machinery and apparatus, for the employment of the convicts, were deemed insurmountable objections to the recommendation of the Governor. The views of the committee were sustained by the concurring opinions of both branches of the General Assembly. The result of their action was the enactment of the law, approved February 10th, 1841. Since that period,

liberal appropriations have been made for the erection of a new Penitentiary, while the extent of our public debt, and our limited ability to meet it, may well excite the anxious apprehension of every citizen who is alive to the honor of the State and the prosperity of her people. The labor of the convicts should be so employed as to avoid, as far as practicable, competition with the artisans and mechanics in the neighborhood of the Penitentiary. The machinery necessary for this purpose would necessarily involve a large expenditure, which at this time it would be inexpedient to incur. The objections to the State taking the institution into her own hands which were formerly made, would now apply with an equal, if not an increased weight. The committee do not, however, deem it necessary to enlarge upon this subject. That the State will and ought eventually to have an exclusive interest in the institution, and through her own officers manage and control it, they entertain no doubt; but from the lights now before them, they deem it impolitic in the highest degree, for her to do so at this time, or to change, in any essential particular, the plan of government now enforced.

The committee, therefore, forbear expressing any views as to the most desirable system of police or the other individual matters connected therewith which, in their opinion, should be adopted, in the event of any such change being made, as would dispense with the existing system of government.

The statutory enactments defining the mode of selecting the officers of the Penitentiary, and prescribing their duties, will be found in the Revised Statutes of 1838 and the amendatory acts of 1841 and 1842, and the Revised Statutes of 1843. The general regulations of the prison will also be found therein embodied. They are not, however, of such a minute and specific character as will secure at once a rigid administration of prison discipline and prevent the authority of the officers from being perverted and abused. A subject so important and full of interest could not be adequately considered within the allowable limits of this report. The limited time which the committee have been able to bestow upon it, consistently with their other public duties, their inability of access to the sources of information, and the acknowledged fact, that the subject of prison discipline has engaged the enlightened labors of philanthropy and science, without producing a uniformity of opinion, all forbid the hope that a task so arduous and delicate as that of preparing a proper system, could be satisfactorily discharged by them. It was no doubt, on account of such considerations that this duty was devolved upon the Governor. The committee will, however, endeavor to point out such defects as in their opinion specially require the exercise of legislative authority.

The committee are of opinion that one radical defect in the existing law is, the non-appointment of a board of inspectors. The only information which the General Assembly or the Governor can obtain, is through the report of the Visiter and Clerk. The former

officer is required to visit the institution semi-annually. His reports are always very meagre and unsatisfactory, containing little else than supposed facts derived through the medium of hearsay evidence and vague reports. It is obvious that he can have but a slight knowledge of the general operations of the institution or the manner in which the discipline is enforced. The reports of the clerk relate exclusively to the finances of the establishment, and there is no supervisory authority exercised over him. The bill now reported, contains some provisions which, it is believed, will obviate these defects. It contemplates the appointment of a board of inspectors. One of them is required to visit the institution at least once a week. They are required to make quarterly reports, and in October to make a report embracing a history of their doings for the preceding year. They are furthermore required to establish a code of by-laws which are to be submitted to the Governor, who is empowered to modify them, if he thinks proper. Every department should be regulated by fixed rules, and it has been thought most advisable to vest this authority, subject to the supervision of the Governor, in the inspectors. They can witness the actual operation of the system that may be adopted, and can make such modifications from time to time, as may be deemed expedient.

The bill further proposes to establish a clerk in reference to the financial department. The superintendent is required to keep a full and accurate account of the expenditures. These as well as the books of the institution are subjected to the scrutiny of the board of inspectors. The vouchers of the superintendent are to be submitted for their examination and approval. He is required to present them to the board in September, at the close of the fiscal year, one month before the annual report of the inspectors is by law required to be made.

The duties of the physician and surgeon are minutely set forth in the bill. Its provisions in this respect are deemed sufficiently explicit and comprehensive. It is hoped they will accomplish the meditated object, that of securing to the invalid of the establishment humane and skilful treatment.

The office of chaplain is one of great importance. The compensation of that officer has been increased, and he is required to give his whole time to his duties. Among the most prominent of these are the public exercises of religion, the superintendence of the Sabbath school, private instruction at the cells on the Sabbath, and visiting the sick. It is an ascertained fact, recorded by those who are most conversant with the religious history of convicts, that most of them are profoundly ignorant of the Bible and consequently of the nature of the relations they sustain to their Creator and their fellow-men, and the obligations which arise from them. It is true that some have disregarded the restraints of religious education and the force of good example, but their number is but small compared with those who have been reared in ignorance of the doctrines and du-

ties, the promises and warnings of religion. If we hope to reform as well as punish the offender, and if we recognize in its full force the great truth that religion affords the surest means of permanent moral reformation, we should seek to extend to them regular spiritual instruction. The history of the penitentiaries of our country will prove that it has often been attended with signal success, and that the most hardened transgressors have, by the use of such means, become exemplary members of that society of which they had been the refuse and opprobrium.

The bill recommended in the foregoing report is

No. 440. A bill to amend the several acts for the regulation of the State prison ;

Which was read a first time, and ordered to a second reading.

The hour having arrived at which bill No. 362 was to be taken up as special order of the day,

On motion by Mr. Carr,

The special order was deferred until to-morrow morning at 10 o'clock.

On motion by Mr. Osborn of Laporte,

The vote taken on the preceding motion was reconsidered ; when

On motion by him,

Said bill, No. 362, was referred to a select committee with instructions to report the same back to the House to-morrow morning.

Said committee consists of Messrs. Osborn of Laporte, Harvey and Watt.

Mr. Moore made the following report :

MR. SPEAKER :

The committee on claims to whom was referred the claim of Samuel P. Daniels for work done in making out inventories of books in the State Library and for other services, have had the same under consideration, and have directed me to report the following resolution :

*Resolved*, That the committee on ways and means be instructed to incorporate in the specific appropriation bill an allowance to Samuel P. Daniels of thirty dollars.

Which report was concurred in.

Mr. Moore made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of the firm of Tomlinson & Brothers for paints furnished for the purpose

of painting the State House in the year 1845, have had the subject under consideration, and have directed me to report the following resolution:

*Resolved*, That the committee on ways and means be instructed to incorporate in the specific appropriations an allowance to the firm of Tomlinson & Brothers twenty-eight dollars and ninety-seven cents.

Which was concurred in.

Mr. Wiley made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of Sarah Wilson, have had the same under consideration, and have directed me to make the following report: that it is inexpedient to legislate any further on that subject, and ask to be discharged from any further consideration on that subject.

Which was concurred in.

Mr. Vandever made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred a petition and remonstrance praying for a certain state road in Randolph county, having had that matter under consideration, and finding a large majority of citizens on the remonstrance, have directed me to report that it is inexpedient to legislate on that subject, and beg to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Vandever made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of sundry citizens of Wells and Huntington counties, have had the same under consideration, and have instructed me to report the same back as inexpedient to legislate upon, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Jones made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of the Floyd



and Harrison county turnpike road company, have had the same under consideration, and have directed me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration thereof:

No. 441. A bill to incorporate the New Albany and Corydon turnpike company;

Which was read a first time, and ordered to a second reading.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the Senate, No. 93, entitled "An act relative to the water power at Northport, in Noble county," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Said bill of the Senate, No. 93, was read a second time, and ordered to a third reading.

Mr. Nofsinger made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred Senate bill No. 146, have had the same under consideration, and directed me to report the same back, and recommend its passage.

Bill of the Senate,

No. 146. A bill to change the location of the feeder dam on Sugar creek;

Which was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Baker made the following report:

MR. SPEAKER:

A majority of the committee on canals and internal improvements, to whom was referred bill of the House, No. 82, entitled "A bill relative to the Wabash and Erie canal," have had the same under consideration, and have instructed me to recommend the following amendment thereto, to-wit: strike out all after the enacting clause of said bill and insert the following in lieu thereof, which is a new bill.

Which bill, as amended, was laid upon the table.

Mr. Clymer made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House, No. 340, have had that subject under consideration, and instructed me to report the same back, with one amendment, and recommend its passage, and said committee ask to be discharged from the further consideration of the subject.

No. 340. A bill authorizing the Superintendent of the Wabash and Erie canal to employ an engineer.

The amendment of the committee is as follows:

Amend by inserting after the words "Fort Wayne," in the 11th line, "or at the Aboit river, west of Fort Wayne."

Which was adopted;

And the bill, as amended, was read a second time, and ordered to be engrossed for a third reading.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the Senate, No. 73, "to incorporate the Peru and Indianapolis railroad company," have had the same under consideration, and a majority of said committee have directed me to report the same back to the House, and recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred House bill No. 282, "to incorporate the Wild Cat Navigation Company," have had the same under consideration, and a majority of said committee have directed me to report the same back to the House without amendment and recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Lewis made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill No. 274, to amend and reduce into one, the several acts relating to the

corporation of the town of Vevay, have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the Senate, No. 135, "to amend an act to incorporate the Lawrenceburgh and Harrison Turnpike Company," have had the same under consideration, and a majority of said committee have directed me to report the same back to the House without amendment, and recommend its passage.

Said bill No. 135, of the Senate was read a second time, and ordered to a third reading.

Mr. Parker made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the Senate No. 112, have had the same under consideration, and have instructed me to report the same back to the House without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

No. 112. A bill to incorporate Port Fulton, in Clark county;

Which was read a second time, and ordered to a third reading.

Mr. Robinson made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the House No. 334, entitled "an act to incorporate the Lawrenceburgh and Rushville Turnpike Company," have had the same under consideration, and have directed me to report the same back without amendment, and respectfully recommend its passage.

Said bill No. 334, was read a second and third times, the rules being suspended, and passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Robinson made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the House No. 298, have had the same under consideration, and have authorized me to make the following report: Amend by inserting the word "not," after the word "are" in the 5th line, and when so amended, respectfully recommend its passage.

Which amendments were adopted, and bill,  
No. 298. A bill for the relief of Elizabeth Preston;

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Riley made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the House No. 297, "A bill to incorporate the Pendleton and Shelbyville Railroad Company," have had the same under consideration, and direct me to report the same amended as follows, and recommend its passage, 'To extend the same to Andersontown, making Greenfield a point, and making a corresponding alteration in the title thereof.'

Which amendment was adopted, and said bill,  
No. 297, was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Smith from a select committee made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 171, have had the same under consideration, and have directed me to report the same back and recommend its passage.

No. 171. A bill for the relief of Sarah Gregory, of Laporte county;

Which was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Tedford made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Jesse McClelland and others, on the subject of having the goods of mer-

chants and libraries of professional men, exempt from execution, have had the same under consideration, and directed me to report the following bill, and ask to be discharged from the further consideration of the same.

No. 442. A bill to exempt certain property therein named from execution;

Which was read a first and second times, the rules being suspended, and laid on the table.

Mr. Pennington made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition praying for a new road from Valleen in Orange county, to Sherrod Burton's Mill, in Harrison county, to the turnpike from New Albany to Vincennes between Hamer's farm, and Edward Henton's store, report that they have had the same under consideration, and have directed me to report a bill, and recommend its passage.

No. 443. A bill to locate a certain road therein named;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Nofsinger made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 417, have had the same under consideration, and directed me to report the same back and recommend its passage, with the amendment that Posey county be added to the provisions of said bill.

Which amendment was adopted:

And said bill,

No. 417. A bill to extend the time of holding probate courts in Parke and Posey counties;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Jackson made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition of sundry citizens of Tipton county requesting a repeal of so much of the



Revised Statutes in relation to vending clocks, having had the same under consideration, directed me to report the following bill, and recommend its passage :

No. 444. An act in relation to vending clocks in Tipton county; Was read a first and second times, the rules being suspended, When Laporte and St. Joseph counties were about to be added; Mr. Davis moved to add the State of Indiana; Pending which,

Mr. Vandever moved to refer the bill to a select committee, with instructions to amend the bill so that all laws requiring license in vending clocks be repealed.

Mr. Seawright moved the following as an amendment to the instructions of Mr. Vandever, to wit:

"Any person who will pay to the county treasurer of the proper county twenty dollars, shall be allowed to vend clocks in said county."

Which was not adopted.

Mr. Davis then withdrew his previous motion; and

Mr. Stapp offered the following amendment:

"That all manufacturers of clocks within this State who pay a license for selling merchandize shall be permitted to sell metal, wooden or other clocks, on such license, without paying any other license for such privilege."

Mr. Cox offered the following as an amendment to the amendment of Mr. Stapp:

"Amend the bill so that every individual shall have the same right that merchants have, except non-residents."

And on the adoption of this,

Messrs. Moore and Cox demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Carr, Clymer, Coon, Cox, Dowling, Edwards, Ellis, Ferguson, Ford, Fuller, Hall of Gibson, Harvey, Henry, Herron, Hinchman, Huff, Jackson, Kerr, Kimberlin, Leyman, Lemmonds, Logan, McDonald, Meeker, Monroe, Moore, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Pennington, Powers, Riley, Rousseau, Seawright, Slater, Smith, Stanfield, Stewart, Thompson, Vandever, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Yocum—46.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron, Carnan, Carter, Chambers, Clements, Coffin, Cookerly, Cornelius, Cruikshank, Davis, Dole, Endecott, Hall of Warren, Henton, Hill,

Jones, Julian, Legg, Lewis, McRae, Mickle, Mooney, Parker, Rippey, Ruby, Secrest, Shanks, Sleeth, Stapp, Taber, Tomlinson, Turner, Watt, Webb, Wiley, Wise and Mr. Speaker—42.

So said amendment was adopted.

The question then being,

On the adoption of the amendment as amended by Mr. Cox,

It was decided in the affirmative.

Mr. Secrest moved that the bill with the amendments be referred to the judiciary committee ;

Which motion prevailed.

Mr. Clements made the following report :

**MR. SPEAKER :**

The select committee to whom was referred a bill accompanied with a petition from numerous citizens of Martin county, asking for a State road from Troy, on the Ohio river, to Hillsborough, in Martin county, have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

No. 422. A bill locating a State road from Troy, in Perry county, to Hillsborough, in Martin county ;

Which was read a first and second times, the rules being suspended, and recommitted.

Mr. Coffin made the following report :

**MR. SPEAKER :**

The select committee to whom was referred the petition of citizens of the counties of Henry and Rush, praying the incorporation of a company for the purpose of constructing a railroad from Knightstown, in Henry county, to Shelbyville, in Shelby county, have had the same under consideration, and have directed me to report the following bill and recommend its passage :

No. 445. A bill to incorporate the Knightstown and Shelbyville railroad company ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Julian made the following report :

**MR. SPEAKER :**

The select committee to whom was referred a petition of sundry citizens of Wayne and Henry counties, praying for the incorpora-

tion of a company to construct a turnpike road from Hagerstown, in Wayne county, to Newcastle, in Henry county, have had the same under consideration, and now report the following bill :

No. 446. A bill to incorporate the Hagerstown and Newcastle turnpike company ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Harvey made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of citizens of Hendricks county, praying the Legislature to pass an act for the relief of the securities of William H. Darnall, late school commissioner of said county, have had that subject under consideration and directed me to report the accompanying bill, and recommend its passage, and said committee ask to be discharged from the further consideration thereof.

No. 447. A bill for the relief of the securities of William H. Darnell, late school commissioner of Hendricks county ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Yocum made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition from sundry citizens of Clay county, on the subject of changing the mode of doing county business, have had that subject under consideration, and directed me to report a bill and recommend its passage.

No. 448. A bill to provide for doing county business in the county of Clay ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Parker made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition of sundry citizens of Allen county, praying for a right to ditch their wet lands,

have had the same under consideration, and have instructed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration thereof.

No. 449. A bill for the relief of owners of wet lands in Allen county;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Tedford made the following report:

MR. SPEAKER:

The committee on enrolled bills, have compared the following with the engrossed, and find them correctly enrolled:

No. 152. An act to amend article 5th, of chapter 40, of the Revised Statutes of 1843;

No. 223. An act declaring a mistake in the Revised Statutes of 1843, in relation to the boundary of Fulton and Kosciusko counties, and for other purposes;

No. 218. An act to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county, Indiana;

No. 152. An act in relation to the limitations of actions upon transcripts of justices of the peace;

No. 180. An act for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased;

No. 142. An act changing the time of holding circuit and probate courts, in the counties of Clark and Floyd;

No. 59. An act to provide for the taking and transmitting of real estate by aliens, and for quieting titles to real estate;

No. 222. An act providing for the election of an additional justice of the peace, in Union township, Montgomery county;

No. 183. An act to correct the boundary line of Richardville county;

No. 157. An act to incorporate the Logansport and Rochester Michigan Road Company;

No. 238. An act regulating the mode of enforcing the collectors costs;

No. 185. An act relative to the county auditor's fees of Ripley and Spencer counties.

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of the President.

The following message was received from His Excellency the Governor, by J. B. Powers, his private Secretary:

## MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the House of Representatives, that he has this day approved and signed;

No. 84. "An act to provide for the leasing of water power on the Wabash and Erie canal;"

No. 135. "An act to provide for the relief of William J. Chaplin;"

No. 177. "An act for the relief of James Rutherford;"

No. 128. "An act declaring a certain road in the county of Dearborn, a State road;"

No. 119. "An act providing for the better preservation of the legislative papers;"

No. 192. "An act relative to supervisors of roads, in the counties of Kosciusko and Whitley;

All of which originated in the House of Representatives, January 12, 1846.

Mr. McCormack offered the following:

*Resolved*, This House will, the Senate concurring therein, proceed to elect a superintendent of the Wabash and Erie canal, on Monday 12th instant, at 2 o'clock, P. M.;

Which was amended by striking out "Monday," and inserting "Wednesday;" when,

On motion by Mr. Dowling,

Said resolution was laid on the table.

Mr. Seawright offered the following:

*Resolved*, That this House will hold a night session each evening of this week, commencing at 6½ o'clock.

Which was not adopted.

Mr. Nofsinger offered the following:

WHEREAS, On account of the almost totally disorganized condition of the militia of the State; AND WHEREAS, the 7th chapter of the constitution of the State of Indiana, requiring the complete organization of said militia; *Therefore resolved*, That the committee on military affairs be instructed to draft and report a bill without delay to this House, having for its object a thorough and efficient organization of the militia of the State.

Which,

On motion,

Was laid on the table.

On motion by Mr. Wilson of Marion,

*Resolved*, That the committee on claims be instructed to enquire into the expediency of allowing to Edward Hedderly the sum of twenty-five dollars and seven cents, for sundry articles furnished Mr. Dillon, State Librarian, for the use of the State; also,



Nine dollars and sixty-five cents for sundries furnished Mr. Berryhill, for the use of the State.

Mr. Webber offered the following resolution:

*Resolved*, That the lessees have the appointing of a canal agent, and it will be his duty to go before some justice of the peace and make oath that he will do justice between State and lessees; and that he will have full power to appoint three disinterested persons as arbitrators, to settle any difficulty that there shall be between the lessees and the State; and that the said agent will have full power to make any necessary repair on said canal, and pay the same out of the money collected from the lessees; and that he will have full power to collect any rent that may be in arrears to the State, and that the said agent will be allowed a just compensation for his labors;

Which was referred to the committee on canals and internal improvements.

On motion by Mr. Jones,

*Resolved*, That the committee on canals and internal improvements enquire into the expediency of reporting to this House a bill restricting the allowing interest upon the scrip hereafter to issue upon the Wabash and Erie canal, east of Tippecanoe.

Mr. Cookerly, according to notice given on yesterday, offered the following resolution:

*Resolved*, That the standing rules of this House be so amended as to create an additional standing committee, to be called "the committee on the trust funds of the State."

Which was adopted.

On motion by Mr. Cox,

*Resolved*, That the report of the committee on claims, allowing Andrew Robb fifteen dollars, be taken from the table, and the committee of ways and means be instructed to place the claim of said Robb, as allowed by said committee, in the bill making specific appropriations.

#### JOINT RESOLUTIONS INTRODUCED.

By Mr. Mickle,

No. 450. A joint resolution in relation to a State road from the St. Mary's river, on the State line, to the Wabash and Erie canal:

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Arnold,

No. 451. A joint resolution for the perpetuity of republican institutions;

Which was read a first time, and ordered to a second reading.

## BILLS INTRODUCED.

By Mr. Osborn of Laporte,

No. 452. An act fixing the time of holding courts in the ninth judicial circuit;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Shanks,

No. 453. An act providing for the safety of the mortgages to the trust funds;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Shanks, Secrest, and Harvey.

By Mr. McCormack,

No. 454. An act to amend the estray law;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Ruby,

No. 455. An act to allow the teachers and pupils of the Deaf and Dumb Asylum to the use of books in the State Library;

Was read a first and second times, the rules being suspended, and referred to the committee on State Library.

By Mr. Clymer,

No. 446. A bill to amend an act incorporating the Indiana Mutual Fire Insurance company, approved January 30, 1837;

Was read a first time, and ordered to a second reading.

By Mr. Moore,

No. 457. A bill to save expenses to the people;

Was read a first time, and

On motion by Mr. Secrest,

Rejected.

By Mr. Tedford,

No. 458. An act authorizing a settlement with Spears & Case, for work done on the side-cut at Delphi, in Carroll county;

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

By Mr. Carnan,

No. 459. A bill repealing section nine of chapter nine of article one of the Revised Code of 1843;

Was read a first time, and ordered to a second reading.

By Mr. Stapp,

No. 460. A bill to incorporate the Madison and Napoleon turn-pike company;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Stanfield,

No. 461. An act to vacate a part of the plat of the town of South Bend, St. Joseph county;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Webber,

No. 462. A bill relative to the west line of the county of Marion;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Webber, Parker, and Jackson.

Mr. Smith moved to reconsider the vote taken on the passage of bill,

No. 452. An act fixing the time of holding courts in the ninth judicial circuit;

Which motion prevailed.

And the question being on the passage of the bill;

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Mickle moved that Messrs. Lowe and Coffin be added to the joint committee on the communication from Mr. Butler, the agent of the foreign bondholders.

Which motion did not prevail.

The Speaker laid before the House a communication from his Excellency, the Governor, containing the memorial of the President for the Banks for Savings in the city of New York.

Which was,

On motion,

Referred to a select committee of Messrs. Dowling, Hall of Gibson, and Vandever.

Also, a communication from the Governor containing a list of the accounts from the commissioners selecting the lands for the extension of the Wabash and Erie canal.

Which was,

On motion,

Referred to the committee on canals and internal improvements.

## ORDERS OF THE DAY.

## SENATE BILLS ON THIRD READING.

No. 91. A bill abolishing the highway tax in Morgan county;

No. 149. A bill for the relief of Survilar Jane Neal, late Eudaly;

No. 156. A bill to amend an act therein named;

No. 166. An act to divorce Matilda Knight of Clay county, from her husband, Samuel Knight;

No. 169. A bill for the relief of Moses Noble of Vanderburgh county;

No. 205. A bill to locate a State road in Warren and Fountain counties;

Were each read a third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 96. A bill to incorporate the Lafayette hydraulic company;

Was read a third time; and

On motion by Mr. Coon,

Amended by striking out all that relates to Tippecanoe river in section fourteenth of the bill.

Pending which,

On motion,

Said bill was laid upon the table.

## HOUSE BILLS ON THIRD READING.

No. 293. A bill authorizing Nicholas McCarty to build a mill dam across White river, in Marion county;

Was read a third time; when

Mr. Webber moved to refer said bill to the committee on canals and internal improvements, with instructions to insert a clause providing that a slope shall be constructed in said dam in order to admit the passage of flat boats.

Which did not prevail.

The vote was then taken on the passage of the bill,

And decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

No. 301. A bill to authorize the State Bank of Indiana to issue notes of less denomination than five dollars, and for other purposes;

On the passage of which bill,

Messrs. Logan and Moore demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Brumfield, Cameron, Carter, Coffin, Davis, Dole, Ellis, Ford, Hall of Warren, Harvey, Kerr, Leyman, McCormack, McDonald, Mickle, Pennington, Porter, Riley, Rippey, Rousseau, Ruby, Secrest, Smith, Stanfield, Turner, Vandever, Webb, and Wiley—29.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Bowman, Carr, Carnan, Chambers, Clements, Clymer, Cookerly, Coon, Cornelius, Cox, Dowling, Edwards, Endecott, Ferguson, Fuller, Hall of Gibson, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, Huff, Jackson, Jones, Julian, Kimberlin, Legg, Lemmonds, Lewis, Logan, Lowe, McRae, Monroe, Moore, Nelson, Nofsinger, Osborn of Sullivan, Parker, Powers, Robinson, Seawright, Shanks, Sleeth, Stapp, Stewart, Taber, Thompson, Tomlinson, Watt, Webber, Wilson of Noble, Wilson of Sullivan, Wise, and Mr. Speaker—58.

So said bill did not pass.

No. 314. A bill to subject certain lands to taxation;

No. 381. A bill to divorce Arthur E. Williams;

No. 395. A bill to provide for the payment of the members and officers of the General Assembly;

No. 396. A bill amending the 45th section of chapter 12, of the Revised Statutes of 1843, and for other purposes;

No. 397. A bill relative to the reviving of the Militia laws;

No. 401. A bill to amend the 7th chapter, section 74, of the Revised Statutes of 1843;

No. 404. A bill for the relief of Jacob Whisler;

No. 414. A bill relative to supervisors in the counties of Carroll and Clinton;

No. 427. A bill to exempt from taxation for corporation purposes certain lands within the limits of the city of Lawrenceburgh;

No. 438. A joint resolution relating to the signers of the declaration of our Independence;

Which were each severally read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 394. A bill making general appropriations for the year 1846;

Was read a third time and passed, with the following amendment;

Sect. — That the sums respectively assessed by the revenue law of this session, for the benefit of the lunatic and deaf and dumb asylums, and for the blind, be and the same are hereby appropriated to be expended under the respective laws on such subjects.

*Ordered*, That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 405. A bill to define the channel of Turtle creek, in Sullivan county;

No. 413. A bill for the relief of John Davis, of Orange county;

No. 424. An act for the relief of Jacob Emshuller;

Were each read a second time, and ordered to be engrossed for a third reading.



No. 411. An act relative to State roads in Elkhart county ;

Which was read a second time, and amended by Mr. Clymer, by striking out from the enacting clause, and inserting a new bill, and the counties of St. Joseph and Laporte being added thereto, the rules were suspended, the bill read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 416. A bill to incorporate the Northern Central Canal Company ;

Was read a second time, and referred to the committee on corporations.

No. 429. An act to repeal an act, &c., approved January 6, 1845 ;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 419. An act relative to certain lots in Indianapolis ;

No. 433. A bill for the relief of county auditors ;

Were each read a second time, and ordered to be engrossed.

No. 134. A bill to provide for the payment of the expense of surveying and locating the Wabash and Ohio canal from Terre Haute to Evansville ;

Were each read a second time, and referred to the committee on canals and internal improvements.

No. 435. An act to provide for the payment of the damages assessed on the Wabash and Erie canal, west of Tippecanoe, in par funds ;

Was read a second time, and referred to the committee on canals and internal improvements.

#### SENATE BILLS ON SECOND READING.

No. 13. A joint resolution establishing the per diem allowance of the probate and associate judges of Tippecanoe county ; which was,

On motion by Mr. Leyman,

Amended by striking out all that relates to the associate judges, and also amended by adding the county of "Greene," to the bill.

Said bill was then ordered to a third reading.

No. 141. An act for the relief of William Phillips, of St. Joseph county ;

Was read a second time and referred to the judiciary committee.

On motion by Mr. Carr,

The vote taken on referring bill,

No. 433. A bill for the relief of county auditor, to the committee on ways and means, was reconsidered.

And said bill was ordered to be engrossed for a third reading.

No. 40. An act supplemental to an act entitled "An act for the relief of Nathan Burchfield," approved February 11, 1843 ;

No. 104. An act to incorporate the Fort Wayne and Lima Turnpike Company;

No. 151. A bill to incorporate the White river Presbyterian church and society, in Greene county;

No. 154. An act to incorporate the Fort Wayne and Plymouth Turnpike Company;

No. 162. An act to amend an act relative to claims for damages on the public works;

No. 167. An act in relation to vending intoxicating liquors, in Floyd county;

No. 172. An act relative to the Laporte county library;

No. 174. An act to provide for the appointment of township assessors in the counties of Morgan and Monroe;

No. 177. An act for the relief of the estate of Israel Phillips, late of Marion county, deceased;

No. 180. An act to dissolve the bonds of matrimony heretofore, and now existing between William Blackford and Elizabeth Blackford;

No. 182. An act to incorporate the Rockville and Montezuma Railroad Company;

No. 185. An act to incorporate the Covington Band of Musicians;

No. 186. An act to extend the provisions of a certain act to the county of Allen;

No. 188. An act to extend an act entitled "An act to provide for a more efficient mode of expending the road tax in the several counties therein named, approved January 15, 1844, to the county of Kosciusko;

No. 190. An act for electing an additional justice of the peace in Hendricks county;

No. 191. An act for the relief of Ann Evans, of Martin county;

No. 192. An act legalizing a certain record of the board of commissioners of Marshall county;

No. 194. An act for the relief of Peter N. Clark, of Marion county;

No. 211. An act to authorize the recording of a road in Steuben county;

Were each severally read a second time, and ordered to a third reading.

Mr. Osborn of Laporte,

Moved to reconsider the vote on the engrossment of bill,

No. 462. An act fixing the time of holding the courts in the ninth judicial circuit;

Which motion prevailed.

Mr. Osborn of Laporte,

Moved that the operations of the bill be confined to the ninth judicial circuit;

Which motion prevailed, the counties of Marshall, Elkhart, and Kosciusko, being excepted,

Said bill was then read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The House then proceeded to act upon the messages of the Senate.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives without amendment :

No. 169. An act to incorporate the Hagerstown musical institute ;

No. 175. An act to dissolve the bonds of matrimony between Frederick Hartsell and Rosanna Hartsell ;

No. 348. An act to extend the time of commissioner's court in the counties of Hamilton and Laporte ;

No. 320. An act for the relief of messengers to notify electors for President and Vice President of the United States.

And also, that the Senate have passed the following engrossed joint resolutions of the House of Representatives, without amendment :

No. 436. A joint resolution of the General Assembly of the State of Indiana, in relation to Col. John Spencer's settlement with the United States, as late receiver in the land office of the United States at Fort Wayne ;

No. 230. A joint resolution on the subject of the reservoir in Mercer county, Ohio.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House of Representatives, with amendments :

No. 212. An act transferring the duties of school commissioners of Daviess and Martin counties to the treasurers of said counties ;

No. 69. An act in relation to a contractor on the Madison and Indianapolis railroad ;

No. 73. A bill to provide for the re-appraisement of real estate heretofore appraised and subject to taxation ;

No. 141. An act to allow owners of partnership fences to remove the same.

In which engrossed amendments of the Senate to said several bills the concurrence of the House of Representatives is most respectfully requested.

And that the Senate have also passed the following engrossed joint resolution of the House of Representatives, with amendments:

No. 145. A joint resolution on the subject of procuring a law by Congress in relation to the sale of congressional townships.

In which engrossed amendments of the Senate to said joint resolution, the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to bills Nos. 212, 69, and 145 were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The House refused to concur in the amendments to 73 and 141.

*Ordered*, That the Clerk inform the Senate thereof.

On motion,

Messrs. Seawright and Ruby were added to the joint committee on the State library.

A message from the Senate by Mr. Hamer, a Senator :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, without amendment :

No. 184. A bill to incorporate the White river navigation company.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof :

No. 199. An act to incorporate the Mount Carmel Hall of Liberty, in Franklin county ;

No. 200. An act authorizing the erection of suitable buildings for the use of the Lunatic Asylum ;

No. 202. A bill amendatory of the several acts incorporating the town of Indianapolis ;

No. 203. An act for the relief of Benjamin H. Scott, of Miami county ;

No. 207. An act for the relief of the securities of William Johnson, late collector of Sullivan county ;

Also,

No. 6. A joint resolution on the subject of vacant lands in the State of Indiana ;

In which the concurrence of the House of Representatives is most respectfully requested.

Nos. 199, 202, and 207, mentioned in the foregoing message,

Were each severally read a first time, and ordered to a second reading.

No. 200 was read a first and second times, the rules being suspended, and ordered to a third reading.

No. 203 was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The rules being suspended therefor,

Mr. Taber offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to insert in the specific appropriation bill the sum of \$8 00 as an allowance to S. A. Hall for publishing an act of the last session in relation to the times of holding courts in the 5th circuit ;

Which was not adopted.

Mr. Ellis presented the following bill :

No. 462. A bill for the relief of William Young and others, of Madison county ;

Which was read a first time, and ordered to a second reading.

And,

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

## TUESDAY MORNING, JANUARY 13, 1846.

The House met pursuant to adjournment.

The Speaker announced the following as the standing committee on the trust funds of the State :

Messrs. Cookerly Huff, Herron, Slater, Cameron, Turner and Carman.

On motion by Mr. Hall of Gibson,

The messages of the Senate were taken up.

A message from the Senate by Mr. Ellis, a Senator :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, with amendments :



No. 86. A bill to authorize the trustees for the Vincennes University to bring suit against the State, and for other purposes;

No. 156. An act for the relief of purchasers of canal lands lying in the county of Cass;

No. 205. An act to amend an act entitled "An act to incorporate the Michigan road company south of Indianapolis;

In which engrossed amendments of the Senate to said several bills, the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to bills of the House in said message mentioned, were

On motion,

Severally concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I have been directed to inform the House of Representatives that the Senate has concurred in the amendment of the House to bill of the Senate,

No. 75. An act relative to the northern division of the Central canal.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the engrossed amendments of the House of Representatives to the following engrossed bill of Senate, with one amendment:

No. 66. An act to extend further time to the borrowers of the sinking fund;

In which engrossed amendment of the Senate to the amendment of the House, the concurrence of the House of Representatives is most respectfully requested.

Said engrossed amendment of the Senate was,

On motion,

Concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 292. An act for the relief of Jacob Jones, Sen.;

No. 337. An act for the collecting of road tax in the county of Hamilton;

No. 335. An act for the relief of James Kitchen;

No. 328. An act to divorce Mary Ann Banks from her husband, Henry Banks;

No. 277. An act to prevent county auditors from practising as attorneys and counsellors at law in the county commissioner's court;

No. 327. An act to divorce Peter Johnson and Mary Johnson, of Hancock county;

No. 248. An act prescribing the mode of advertising sales of lands returned delinquent for non-payment of taxes;

No. 317. An act for the relief of Henry Stevenson, deceased, late of Boone county;

No. 369. An act giving certain powers and authority to the Frankfort road commissioner in Carroll county;

No. 4. An act for the relief of David Stoner and others;

No. 367. An act to define the liens in certain school districts in Clay county.

A message from the Senate, by Mr. Gorman, their Secretary;

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 217. An act for the relief of the legal representatives of George W. Blasdell, deceased;

No. 168. An act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county;

No. 223. An act transferring the duties of the agent of the surplus revenue fund in Scott county, to the school commissioner of said county;

No. 213. An act giving the right to the voters of Marion county to decide as to authorizing license to retail spirituous liquors in their townships;

In which the concurrence of the House is requested.

Bills Nos. 217, 168, 223, and 213, in said message mentioned, Were each read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 240. An act providing for the erection of a road bridge on the Wabash and Erie canal;

No. 251. An act for the relief of Alexander J. Line of Wayne county;

No. 295. An act to amend an act incorporating the city of New Albany, approved February 14th, 1839;

No. 321. An act to establish a State road in the counties of Dekalb and Allen;

No. 322. An act to authorize Aaron K. Sayer and Daniel Sayer to build a dam across Mississinewa river;

No. 374. An act to vacate a public highway in the county of Greene.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 164. An act for the relief of James P. Creager of Knox county;

No. 197. An act to amend an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831;

No. 215. An act extending the time of holding courts in the county of Marion, and for other purposes;

No. 219. An act relative to the June term of the circuit court;

No. 195. An act in relation to certificates and patents of Michigan road lands;

No. 224. An act authorizing the removal of obstructions in Big creek in Posey, county, and for other purposes;

No. 225. An act to repeal a certain act therein named so far as the counties of Monroe and Owen are concerned;

No. 220. An act repealing a part of an act entitled "An act declaring the Mississinewa river a public highway;

No. 235. An act for the relief of Nancy Picket of Switzerland county;

No. 222. An act to locate a State road in Shelby county;

No. 232. An act to repeal an act entitled "An act to authorize the election of two additional justices of the peace in Shelby county," approved February 14th, 1839.

Also, joint resolution,

No. 15. A joint resolution in relation to the Indiana Historical Society ;

In which the concurrence of the House of Representatives is respectfully requested.

Bills Nos. 164, 197, 215, 219, 195, 220, 255, 222, and joint resolution No. 15, in said message mentioned,

Were each read a first time, and ordered to a second reading.

Nos. 224 and 225 were each read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Orth, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bill thereof,

No. 229, entitled "A bill to adjust the water power now used by James S. Hoagland ;"

In which the concurrence of the House is respectfully requested.

Said bill was,

On motion,

Read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, without amendment:

No. 231. An act for the relief of Benjamin Powell and the heirs of Harrison Barnett, deceased ;

No. 55. An act relative to the issuing of executions ;

No. 382. An act appointing a board of superintendents to superintend the changing or deepening the channel of, or leveeing the banks of Jourdon creek, in Honey Creek township, Vigo county, and for other purposes ;

No. 315. An act to define the powers of judges when acting on writs of habeas corpus, and applications for writs of injunction ;

No. 383. An act to vacate a part of the village of Mishawaka, in St. Joseph county ;

No. 368. An act for the relief of the heirs of Captain Richard McCarty ;

No. 52. An act for the relief of purchasers of school lands ;

No. 330. An act to amend the several acts providing for the preservation of the State House, State Library and Legislative papers ;

No. 344. An act to authorize the levy of a road tax in the county of Franklin ;

No. 285. An act granting the right of way to a company to construct a railroad or turnpike road therein named, in Vermillion county ;

No. 91. An act relative to the punishment of treason and murder in the first degree.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House of Representatives, with amendments :

No. 87. An act to amend the law regulating the practice in the eleventh judicial circuit ;

No. 103. An act to modify the 30th section, chapter 16, of the Revised Statutes ;

No. 139. An act to amend the first article of the 53d chapter of the Revised Statutes, and for other purposes ;

No. 296. An act to locate a State road in the counties of Miami and Madison ;

In which engrossed amendments of the Senate to said several bills of the House, the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to the bills in said message mentioned,

Were each severally read ; and,

On motion,

Concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

The rules being suspended therefor,

The following bills were introduced :

By Mr. Tedford,

No. 462. An act to locate a certain State road therein named ;

By Mr. Tedford,

No. 463. An act to locate a certain State road therein named ;

By Mr. Osborn of Laporte,

No. 464. An act to amend an act entitled "An act to incorporate the Laporte University," approved January 20, 1842 ;

By Mr. Jackson,

No. 465. An act to furnish Tipton county with the Revised Statutes of 1838 ;

By Mr. Chambers,

No. 466. A bill to incorporate the Madison Cemetery ;

Were each read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.



By Mr. Secrest,

No. 467. A bill prescribing a uniform mode of ascertaining by weight the quantity of lime that shall pass for a standard bushel in this State;

Was read a first time, and ordered to a second reading.

Mr. Harvey made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared with the originals the following enrolled bills of the House, and find the same correctly enrolled:

No. 133. An act for the relief of Felix Ingoldsby;

No. 232. An act to amend an act fixing the time of holding courts in the fifth judicial circuit, approved January 13, 1845;

No. 214. An act to change the mode of working roads in Rush county;

No. 235. An act extending the time of holding the probate courts in Shelby county;

No. 209. An act to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways to the county of Posey;

No. 193. An act to extend the time of payment of a certain mortgage therein named;

No. 336. An act to authorize the sale of certain school lands in township 36, range 2 west, in Laporte county;

No. 109. An act dissolving the bonds of matrimony between William Martin and Susan Martin;

No. 342. An act for the relief of Lucinda Sparks of Floyd county;

No. 45. A joint resolution instructing our Senators and Representatives to vote for an appropriation on the St. Joseph river;

No. 257. An act to correct the boundary line of Carroll county;

No. 217. An act for the relief of Barbara Ann May;

No. 196. An act to extend the provisions of an act therein named to Madison county;

No. 239. An act to authorize the placing of swinging gates on highways, in Dearborn county;

No. 264. An act for the relief of John Johnson of Laporte county;

No. 126. An act to dissolve the bonds of matrimony between Jared S. Ryker and Thurse Ann Ryker;

No. 243. An act in relation to the probate courts of Henry county;

No. 173. An act declaring a certain county road therein named a State road;

No. 89. An act to amend the statute regulating the duties of clerks of executors' and administrators' sales.

No. 47. An act to extend an act entitled an act to provide for a

more efficient mode of expending the road tax in the several counties therein named, approved January 15, 1844, to the counties of Noble and Lagrange;

No. 124. An act to change the time of summoning petit jurors to appear in the circuit court for Vigo county, and for other purposes therein named;

No. 131. An act to abolish the office of county auditor in the county of Johnson;

No. 136. An act to amend the 326th section of chapter 40, Revised Statutes of 1843, relative to charges to juries;

No. 174. An act to survey and locate a State road from Robinson's ferry on White river, in Daviess county, to Harrisonville, in Martin county;

No. 194. An act to extend the terms of the board doing county business in the county of Tippecanoe;

No. 204. An act defining the boundaries between the counties of Clark and Washington;

No. 215. An act to dissolve the bonds of matrimony between Benjamin Rosecrantz and Sarah Ann Rosecrantz, citizens of Perry county;

No. 206. An act changing the time of holding probate courts in Cass county;

No. 246. An act to vacate a certain Alley in the town of Greencastle;

No. 171. An act to dissolve the bonds of matrimony between Adam Shambrough and Elizabeth Shambrough.

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Osborn of Laporte, according to the order made on yesterday, submitted the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 364, have considered the same, and instructed me to report it back to the House with the following amendments, and with said amendments, recommend its passage.

Amend as follows:

Sec. 1. After the word "and" when it last occurs in the 11th line, insert the word "on;" and after the word "pay" in the 19th line, insert the word "interest;" and after the word "centum" in the 20th line, insert the words "per annum;" and after the word "shall" in the 36th line, insert the words "and will."

Sec. 4. After the word "or" when it last occurs in the 3d line, insert the words "his, her, or their."

Sec. 6. After the word "interest" in the 2d line, strike out the words "not herein before provided for," and after the word "interest" in the 3d line, insert the words "not herein before provided for," and strike out the word "bondholders" in the 16th line, and insert in its place the word "subscribers;" strike out the word "their" in the 17th line, and insert "the."

Sec. 7. Strike out "a" where it occurs between "and" and "notice" in the 4th line, and insert in its place the word "on."

Sec. 8. After the word "amount" in the 58th line, insert the words "of the principal." After the word "assignees" in the 42d line, insert the words "interest at and after the rate of."

Sec. 10. After the word "therefor" in the 20th line, insert the following: "They shall call in on said subscription a sum sufficient to ensure the completion of said canal, within the period herein specified, and not less than six hundred thousand dollars, (including said payment of ten per cent.) to be paid within two years from the time said trust takes effect;" and after the word "contemplated" in the 39th line, insert the following, "and the side cut and basin from station 578 to the bank of Eel river, opposite Point Commerce, as surveyed and reported by R. H. Fauntleroy."

Sec. 11. After the word "classified" in the 6th line insert "under the direction and supervision of the Governor." After the word "classes," in the 6th line, insert "taking into view quality and location."

Sec. 12. After the word "canal" in the 2d line, insert the words, "with the interest thereon;" and after the word "refunded" in the third line, strike out the words, "with all interest and expenses."

Sec. 16. After the word "yearly," in the 3d line, insert the words "at the city of New York."

Sec. 17. Add the following: "Excepting however that no sale or conveyance by said trustees of any of the lands to be deeded by them as aforesaid, shall be valid or binding, unless concurred in, and the contract of sale or conveyance be signed by the trustee on the part of the State."

Add the following sections:

Sec. 25. The time of final payment on all sales of Wabash and Erie canal lands heretofore made, shall upon the request of the holder of any certificate of purchase, be extended for the term of five years from and after the time when the same shall fall due: *Provided, however,* That the interest shall be paid annually in advance, as now required by law.

Sec. 26. The State may at any time file her bill in chancery in the Marion, or any other circuit court in this State, against said trustees, to enjoin them from any violation of said trust; and also to compel them to execute the same.

Sec. 27. Should either of the said trustees or any officer or agent appointed by them, embezzle or fraudulently convert to his own use,

or secrete with intent so to convert to his own use any of the funds, moneys, choses in action, securities or effects which may come into his hands or possession, under or by virtue of the trusts created by this act, the trustee, officer, or agent so offending, shall be deemed to have committed the crime of grand larceny; and upon conviction thereof, shall suffer the punishment prescribed for that offence in the 15th section of article 1st of chapter 53 of the Revised Statutes of 1843.

Sec. 28. The capacity of that portion of said canal yet to be finished, shall be the same as established and provided in the original and late surveys: and said trustees shall cause to be constructed and kept in repair on the entire line of said canal, suitable bridges over all State and county roads, crossing the same, in the same manner as is now required on the line of said canal east of Tippecanoe.

Sec. 29. Said canal finished and to be finished, shall be deemed and taken to be a public highway, and shall be free to all persons whomsoever to pass and repass with their own boats, or other water craft and with their own produce, goods and chattels, wares, and merchandize; such persons conforming to such uniform rules and regulations, and paying such uniform tolls as may be established and required.

Sec. 30. Said trustees shall establish at least one land office for the sale of said canal lands, at some convenient point on the line of said canal: and they shall also keep an office, at some convenient point in this State, for the transaction of all business connected with their said trust.

Sec. 31. It shall be the duty of the said trustees to return to the Auditor of State, on or before the first day of November in each year, a list of all lands sold by virtue of the trust.

Which amendments were adopted.

Mr. Clymer offered the following amendment.

*Provided, however,* That a vote shall be taken by ballot at the next election on the first Monday of August next under the same rules and usages that exist in relation to other elections on that day, on the question whether this act shall become a law and in force, all voting in favor of the same becoming a law and in force, shall signify the same by adopting on the ballot the word "law" or other expression of like import, and all voting in opposition to the same, shall adopt the word 'no law,' or other expression of like import: *And provided further,* That on the final returns of said vote in the manner and by the time of making returns of the votes cast in the election of Governor, if it shall appear, that a majority of all the votes so cast on said question and returned in the manner aforesaid, are in favor of this act becoming a law as aforesaid, it shall be the duty of the Governor forthwith to issue a proclamation

to that effect, and then and in that case, and from thenceforth this act shall take effect, and be in full force, and not otherwise.

Mr. Carr offered the following, which Mr. Clymer accepted as a substitute for his amendment :

*“Provided, That this act shall not be in force unless confirmed by a majority of the legal voters at the annual election on the first Monday of August in the year 1846, and for the purpose of ascertaining the will of the legal voters, both for and against the law, it shall be the duty of the several inspectors and judges of elections at the aforesaid August elections, to cause to be opened two additional columns on the poll books of said election, one headed “Aye,” the other “No;” and it shall be the duty of each inspector, whenever a voter presents ballot, to propound to said voter this question : “Are you in favor, or opposed to the law ?” And it shall be the duty of the several clerks of said election to enter the same in the proper column opposite the name of the voter ; the said vote to be counted, certified and returned as is now required by law in case of an election for Governor ; and if the majority of the votes cast are in favor of the law, the Governor shall declare the law to be in force by public proclamation.*

Pending the adoption of which,

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

The Speaker laid before the House a communication from his Excellency, the Governor, containing a report from the superintendent of the new State prison ;

Which was,

On motion,

Referred to the committee on the State prison.

Also, a communication from Winslow and Perkins of New York, transmitting a memorial from certain bondholders declining the proposition submitted for them by Mr. Valette, at the last session of the General Assembly, and one from the Secretary of War of the United States ;

Which were,

On motion,

Laid upon the table.

Also, the following communication from the President of the State Bank, in reply to a resolution adopted in the House on the 6th of this month :



STATE BANK OF INDIANA, }  
*Indianapolis, January 12, 1846.* }

HON. JOHN S. SIMONSON,

*Speaker of the House of Representatives:*

SIR:—Please to lay before the House of Representatives the annexed replies to the following resolutions of enquiry of the House, adopted on the 6th inst.; which replies are made from the answers of the Cashiers of the respective Branches to specific interrogatories propounded by me to them at the fall examination, prior to the late November session of the Directors of the State Bank, and which are on file in this office.

1st. "What amount of the loans made since the first day of June, 1843, (under the law of February 13, 1843,) by which the discounts of the Bank since that date were to be collected without any relief from valuation or appraisement laws, has gone to suit or collection in the branches respectively?"

*Ans.*—In eleven of the Branches none whatever of such loans have gone to suit; in two of them it is estimated that possibly \$1100 will have to be collected by law. In the remaining two Branches \$3500 of loans, made under the law of February 13, 1843, have gone to suit.

2nd. "What amount of the suspended debt in the several Branches, existing two years ago, has been realized since that period?"

*Ans.*—In twelve of the Branches, the amount of such suspended debt realized is \$215,367 64. No answer was made to that point of my interrogatories at one of the Branches, but an examination of the reports of that Branch on November 30, 1843, and on November 29, 1845, shows the entire reduction of the suspended debt between those periods to be \$57,504 88.

3d. "What amount of loss is anticipated on the remainder of the suspended debt in the respective Branches?"

*Ans.*—In one of the Branches no loss whatever is estimated. In another it is stated as "very small;" and in the remaining eleven Branches the loss anticipated on the remainder of the suspended debt is computed at \$80,200 in all. This is understood to embrace all losses in the entire suspended debt in all the Branches with the exception of a debt in one of the Branches in which from \$11,000 to \$12,000 are involved which is in a course of litigation.

It may be observed in connection with the reply to the last enquiry as to the entire loss estimated by the officers of the Branches at less than \$100,000; that the amount of surplus profits retained in the Branches with reference to discharging any losses, was on the date of the last report to the General Assembly \$375,239 81.

Very respectfully,

J. MORRISON.

The House then resumed the consideration of the special order of the day, bill No. 362, with the amendments ;  
 And after some time spent therein,  
 Mr. Leyman moved that the House adjourn ;  
 And on this motion,  
 Messrs. Logan and Vandever demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Cameron, Carr, Carter, Clymer, Coon, Cornelius, Cox, Cruikshank, Davis, Ellis, Ferguson, Ford, Henry, Henton, Herron, Jackson, Kimberlin, Leyman, Legg, Lewis, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Moore, Porter, Powers, Riley, Robinson, Slater, Sleeth, Smith, Taber, Tedford, Turner, Vandever, Webb, Webber, Wiley, Wilson of Marion, and Mr. Speaker—44.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Carnan, Chambers, Clements, Coffin, Cookerly, Dole, Dowling, Edwards, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Hil, Hinchman, Huff, Julian, Kerr, Lemmonds, Logan, McRae, Meeker, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Rippey, Rousseau, Ruby, Seawright, Secrest, Shanks, Stanfield, Stapp, Stewart, Thompson, Tomlinson, Watt, Wilson of Sullivan, Wise, and Yocum—47.

So said motion did not prevail.

The question then being on the adoption of the amendment of Mr. Carr,

Mr. McDonald moved to adjourn ;

And on this motion,

Messrs. McDonald and Leyman demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Carr, Carter, Clymer, Coon, Cornelius, Cox, Cruikshank, Davis, Ellis, Ford, Henry, Henton, Herron, Hinchman, Jackson, Kimberlin, Leyman, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Moore, Powers, Riley, Robinson, Slater, Sleeth, Smith, Taber, Turner, Vandever, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Mr. Speaker—41.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carnan, Cham-

bers, Clements, Coffin, Cookerly, Dole, Dowling, Edwards, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Hill, Huff, Julian, Kerr, Lemmonds, Lewis, Logan, McRae, Meeker, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Rousseau, Ruby, Secrest, Shanks, Stanfield, Stapp, Stewart, Turner, Thompson, Tomlinson, Watt, Wilson of Sullivan, Wise, and Yocum—48.

So said motion did not prevail.

And the question being again on the adoption of the amendment, Messrs. Lowe and Vandever demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Carr, Carter, Chambers, Clymer, Coon, Cox, Davis, Ferguson, Ford, Hazelrigg, Henry, Henton, Herron, Jackson, Kimberlin, Leyman, Lewis, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Moore, Nelson, Powers, Riley, Rippey, Shanks, Sleeth, Smith, Taber, Thompson, Turner, Vandever, Webb, Webber, Wiley, and Mr. Speaker—41.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carnan, Clements, Coffin, Cookerly, Cornelius, Cruikshank, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hill, Hinchman, Huff, Julian, Kerr, Lemmonds, Logan, McRae, Meeker, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Secrest, Stanfield, Stapp, Stewart, Tedford, Tomlinson, Watt, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, and Yocum—49.

So said amendment was not adopted; and,

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

## WEDNESDAY MORNING, JANUARY 14, 1846.

House met pursuant to adjournment.

Mr. Wilson of Marion moved a reconsideration of the vote taken on last evening on the amendment of Mr. Clymer as substituted by the one of Mr. Carr.

Mr. Cookerly demanded a call of the House;

Which was seconded.

And Messrs. Jones and Conduit, were excused attendance on the House.

The absentees were then sent for;

And on their appearance,

The further call was suspended.

The motion for reconsidering was then resumed;

Pending which,

On motion,

The House adjourned till 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met.

The following message was received from his Excellency, the Governor, by J. B. Powers, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives that on yesterday he approved and signed:

No. 223. An act declaring a mistake in the Revised Statutes of 1843, in relation to the boundary of Fulton and Kosciusko counties, and for other purposes;

No. 180. An act for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased;

No. 222. An act providing for the election of an additional justice of the peace in Union township, Montgomery county;

No. 183. An act to correct the boundary line of Richardville county;

No. 142. An act changing the time of holding circuit and probate courts in the counties of Clark and Floyd;

No. 238. An act regulating the mode of enforcing the collection of certain costs in the several courts of the State;

No. 152. An act in relation to the limitation of actions upon transcripts of justices of the peace;

No. 185. An act relative to the county auditor's fees of Ripley and Spencer counties;

No. 59. An act to provide for the taking, holding, and transmitting of real estate by aliens, and for granting titles to real estate;

No. 193. An act to extend the time of payment of a certain mortgage therein named;

No. 257. An act to correct the boundary line of Carroll county;

No. 378. A joint resolution to extend the provisions of a certain act therein named;

All of which originated in the House of Representatives.

Mr. Vandever moved a call of the House;

Which was seconded.

The absentees were then sent for;

And on the appearance of a portion of them,

The further call was suspended.

The House then resumed the consideration of the special order of the day, bill No. 362, with the amendments.

And the question being on the reconsideration of the vote taken last evening on Mr. Clymer's amendment;

Messrs. Sleeth and Monroe demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Carr, Carter, Chambers, Clymer, Coon, Cox, Cruikshank, Davis, Dowling, Ellis, Ferguson, Ford, Hazelrigg, Henry, Henton, Herron, Hinchman, Jackson, Kimberlin, Leyman, Legg, Lewis, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Moore, Nelson, Powers, Riley, Rippey, Robinson, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Stewart, Taber, Tedford, Thompson, Tomlinson, Turner, Vandever, Webb, Wiley, Wilson of Marion, Wilson of Noble, and Mr. Speaker—55.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carnan, Clements, Coffin, Cookerly, Cornelius, Dole, Edwards, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hill, Huff, Julian, Kerr, Lemmonds, Logan, McRae, Meeker, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Rousseau, Stanford, Stapp, Watt, Wilson of Sullivan, Wise, and Yocum—37.

So said motion was reconsidered.

Mr. Hazelrigg then offered the following amendment to the amendment of Mr. Clymer:

“Amend the amendment by striking out all after the word ‘if,’ in the fifth line from the bottom, and insert the following: ‘A majori-



ty of the voters as evidenced by the vote for the candidates for Governor shall not vote against the law, then the Governor shall declare the law to be in force by proclamation, within ten days after the return as aforesaid."

Which was not adopted.

The question then being on the adoption of the amendment of Mr. Clymer as substituted by the one of Mr. Carr.

Messrs. Secrest and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Carter, Chambers, Clymer, Coon, Cox, Davis, Ellis, Ferguson, Ford, Hazelrigg, Henry, Henton, Herron, Hinchman, Jackson, Kimberlin, Leyman, Legg, Lowe, McCormack, McDonald, Mickle, Moore, Nelson, Powers, Riley, Rippey, Seawright, Shanks, Slater, Sleeth, Smith, Taber, Thompson, Turner, Vandever, Webb, Wiley, Wilson of Noble, and Mr. Speaker—42.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carr, Carnan, Clements, Coffin, Cookerly, Cornelius, Cruikshank, Dole, Dowling, Edwards, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hill, Huff, Julian, Kerr, Lemmonds, Lewis, Logan, McRae, Meeker, Monroe, Mooney, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Secrest, Stanfield, Stapp, Stewart, Tomlinson, Watt, Webber, Wilson of Marion, Wilson of Sullivan, Wise, and Yocum—50.

So said amendment was not adopted.

Mr. Secrest then offered the following amendment:

"**SEC. 32.** It shall be optional with the State at any time hereafter to call in and require a surrender of the outstanding stock issued under the first section of this act, by giving to the holder of such stock a new certificate for the one half of the principal thereof, to bear interest at and after the rate of five per centum per annum, and which principal and interest shall be payable and redeemable by the State, out of the revenue thereof; the principal to be payable at the pleasure of the State, and by giving to such holder another certificate for the other half of the principal of such stock, to bear a like interest of five per centum per annum, and to be paid and redeemed, and only paid and redeemed out of said canal lands; and the tolls and revenues of said canal, as provided in the eighth section of this act; and from and after the time that the State shall call in said stock issued under the first section of this act, and shall issue new certificates as aforesaid, the State, its faith and revenues shall be only pledged and responsible for the payment of the one half of said principal and interest at the rate of five per centum per

annum thereon, and for the other half of said principal and interest the holders of said certificates shall look solely and exclusively to said canal lands and the tolls and revenues of said canal, as provided in the eighth section aforesaid of this act: *Provided, however,* That the State shall have the option of redeeming said canal certificates out of the revenues of said State in the same manner as if this section was not adopted: *And provided further,* That the excess of the revenues of said canal lands and tolls and revenues of said canal over-paying said interest of five per centum per annum on said canal stock, if any there be, shall be applied to the redemption and absolute retirement of said canal stock."

And on the adoption of this,

Messrs. Hall of Gibson and Logan demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron, Carr, Carnan, Chambers, Clements, Clymer, Cookerly, Coon, Cornelius, Cox, Cruikshanks, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Henton, Herron, Hill, Hinchman, Huff, Jackson, Julian, Kerr, Kimberlin, Legg, Lemmonds, Lewis, Logan, Lowe, McRae, Meeker, Monroe, Mooney, Moore, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Powers, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Slater, Sleeth, Smith, Stanfield, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—S2.

*Those who voted in the negative are,*

Messrs. Carter, McDonald, Mickle, Nelson, Riley, Shanks, and Turner—7.

So said amendment was adopted.

Mr. Davis offered the following amendment;

"The legislature reserves the right to alter, amend, or repeal this act at any time."

Mr. Riley moved to amend the amendment of Mr. Davis, as follows;

"The repeal must take place, if at all, during the sessions of 1847 and 1848."

Which motion did not prevail.

The question then being on the adoption of the amendment offered by Mr. Davis.

Messrs. Davis and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Carter, Clymer, Coon, Davis, Ferguson, Henry, Herron, Jackson, Kimberlin, Leyman, McCormack, McDonald, Mickle, Moore, Nelson, Powers, Riley, Rippey, Seawright, Sleeth, Tedford, Turner, Webb, Wiley, Wise, and Mr. Speaker—27.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Cameron, Carr, Carnan, Chambers, Clements, Coffin, Cookerly, Cornelius, Cox, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henton, Hill, Hinchman, Huff, Julian, Kerr, Lemmonds, Logan, McRae, Meeker, Monroe, Mooney, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Secrest, Slater, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, Vandever, Watt, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Yocum—59.

So said amendment was not adopted.

Mr. Carr then moved a reconsideration of the vote taken on the amendment of Mr. Clymer, as substituted.

And on the adoption of this motion,

Messrs. Carr and Clymer demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Carr, Carter, Clymer, Coffin, Coon, Cox, Davis, Ferguson, Ford, Henry, Henton, Herron, Hinchman, Jackson, Kimberlin, Leyman, Lowe, McCormack, McDonald, Mickle, Monroe, Mooney, Moore, Nelson, Powers, Riley, Rippey, Seawright, Shanks, Slater, Sleeth, Smith, Taber, Thompson, Turner, Vandever, Webb, Webber, Wilson of Noble, and Mr. Speaker—42.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carnan, Chambers, Clements, Cookerly, Cornelius, Cruikshank, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hill, Huff, Julian, Kerr, Lemmonds, Lewis, Logan, McRae, Meeker, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Rousseau, Ruby, Secrest, Stanfield, Stapp, Stewart, Tedford, Tomlinson, Watt, Wilson of Marion, Wilson of Sullivan, Wise, and Yocum—47.

So said vote was not reconsidered.

On motion by Mr. Osborn of Laporte,  
The first section was amended by filling the blank in the 6th line,  
with the word "twenty."

Mr. Pennington then moved the previous question,

Which was seconded,

And the question then being,

"Shall the main question be now put?"

Which was adopted by unanimous consent.

And the main question being,

"Shall the bill be engrossed for a third reading on to-morrow?"

Messrs. Hall of Gibson, and Dowling, demanded the ayes and  
noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Carnan, Chambers, Clements,  
Cookerly, Cornelius, Cox, Dole, Dowling, Edwards, Ellis, Endecott,  
Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Hill,  
Hinchman, Huff, Julian, Kerr, Legg, Lemmonds, Lewis, Logan,  
McRae, Meeker, Monroe, Nofsinger, Osborn of Laporte, Osborn of  
Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby,  
Seawright, Secrest, Slater, Stanfield, Stapp, Stewart, Tedford,  
Thompson, Tomlinson, Watt, Webber, Wilson of Marion, Wilson  
of Sullivan, Wise, and Yocum—56.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Carr, Carter, Clymer, Coffin, Davis,  
Ferguson, Ford, Henry, Henton, Jackson, Kimberlin, Leyman, Mc-  
Cormack, McDonald, Mickle, Mooney, Nelson, Riley, Rippey,  
Shanks, Sleeth, Smith, Taber, Turner, Vandever, Webb, Wiley,  
and Mr. Speaker—30.

So said bill was ordered to be engrossed for a third reading.

The following message was received from His Excellency, the  
Governor, by J. B. Powers, his private Secretary:

MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the  
House of Representatives, that he has this day approved and signed,  
No. 218. "An act to incorporate the Female Seminary of St.  
Mary's of the Woods, in Vigo county, Indiana;

No. 45. "A joint resolution instructing our Senators and Repre-  
sentatives to vote for an appropriation on the St. Joseph river.

No. 171. "An act dissolving the bonds of matrimony between  
Adam Shambaugh and Elizabeth Shambaugh."

No. 217. "An act for the relief of Barbary Ann May;"

- No. 336. An act to authorize the sale of certain school lands in township 36, range 2 west, in Laporte county ;
- No. 109. An act dissolving the bonds of matrimony between William Martin and Susan Martin of Warrick county ;
- No. 153. An act for the relief of Felix Ingoldsby ;
- No. 226. An act for the relief of Nathaniel Coal of Warrick county ;
- No. 232. An act to amend an act fixing the time of holding courts in the fifth judicial circuit, approved January 13, 1845 ;
- No. 246. An act to locate a certain alley in the town of Greencastle ;
- No. 206. An act changing the time of holding probate courts in Cass county ;
- No. 215. An act to dissolve the bonds of matrimony between Benjamin Rosecrantz and Sarah Ann Rosecrantz, citizens of Perry county ;
- No. 204. An act defining the boundaries between the counties of Clark and Washington ;
- No. 194. An act to extend the terms of the board doing county business in the county of Tippecanoe ;
- No. 174. An act to survey and locate a State road from Robinson's Ferry, on White river, in Daviess county, to Harrisonville, in Martin county ;
- No. 136. An act to amend the 326th section of chapter 40, Revised Statutes of 1843, relative to charges to juries ;
- No. 131. An act to abolish the office of county auditor in the county of Johnson ;
- No. 124. An act to change the time of summoning petit jurors, to appear in the circuit court for Vigo county, and for other purposes therein named ;
- No. 47. An act to extend an act entitled "an act to provide for a more efficient mode of expending the road tax in the several counties therein named," approved January 15, 1844, to the counties of Noble and Lagrange ;
- No. 89. An act to amend the statute regulating the duties of clerks of executors' and administrators' sales ;
- No. 173. An act declaring a certain county road therein named a State road ;
- No. 243. An act in relation to the probate courts in Henry county ;
- No. 126. An act to dissolve the bonds of matrimony between Jared S. Ryker and Thurse Ann Ryker ;
- No. 264. An act for the relief of John Johnson of Laporte county ;
- No. 239. An act to authorize the placing of swinging gates on highways in Dearborn county ;
- No. 196. An act to extend the provisions of an act therein named to Madison county ;



No. 214. An act to change the mode of working roads in Rush county ;

No. 235. An act extending the time of holding the probate courts in Shelby county ;

No. 209. An act to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways, to the county of Posey ;

All of which originated in the House of Representatives, January 14, 1846.

On motion by Mr. Harvey,

Messrs. Julian and Carter were added to the standing committee on enrolled bills.

Mr. Harvey, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled, with the engrossed bills of the House, and find the enrolment correctly made :

No. 300. An act to amend an act entitled "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842 ;

No. 271. An act to locate a State road in the counties of Ohio and Switzerland ;

No. 268. An act relative to the duties of county recorder ;

No. 169. An act to incorporate the Hagerstown musical institute ;

No. 482. An act to legalize certain deeds therein named ;

No. 175. An act to dissolve the bonds of matrimony between Frederick Hartsel and Rosanna Hartsel ;

No. 207. An act for the benefit of supervisors in the counties of Scott, Shelby and Decatur ;

No. 254. An act authorizing John Hawenstein, his heirs and assigns, to keep, maintain and improve his mill premises and their appurtenances on the St. Mary's river, in the county of Allen ;

No. 266. An act for the relief of James Miller ;

No. 325. An act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, Boone county, Indiana ;

No. 273. An act authorizing B. F. C. Lodge, late collector for Jefferson county, to collect arrearages of taxes ;

No. 306. An act for the relief of Eliza Ann Storm, of Marion county ;

No. 313. An act for the relief of Martha Jane Vandusen of Vanderburgh county ;

No. 299. An act for the relief of Susan Wherley of Hamilton county ;

No. 179. An act for the relief of Sarah Wallace ;

No. 28. An act for the relief of purchasers of school lands in the county of Harrison ;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Tedford made the following report:

**MR. SPEAKER :**

The committee on enrolled bills have compared the following with the engrossed, and find them correctly enrolled :

No. 278. An act to provide for the election of county surveyors in Tipton county ;

No. 310. An act in relation to the granting of Tavern license in the county of Cass ;

No. 241. An act for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range 32, in Adams township, Cass county ;

No. 65. An act to attach certain territory therein named to the county of Jennings ;

No. 43. An act establishing a State road in the counties of Elkhart and St. Joseph ;

No. 220. A joint resolution on the subject of the Reservoir, Mercer county, Ohio ;

No. 186. An act to reduce the fees of the Recorder of Jackson ;

No. 289. An act establishing a State road in the counties of Montgomery and Fountain ;

No. 240. An act providing for the erection of a bridge on the Wabash and Erie canal ;

No. 369. An act giving certain powers to the Frankfort road commissioners, in Carroll county ;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry them to the Senate for the signature of their President ; and,

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

## THURSDAY MORNING, JANUARY 15, 1846.

The House met pursuant to adjournment.

## BILLS INTRODUCED.

By Mr. Kimberlin,

No. 468. An act explanatory of a certain act therein named ;

By Mr. Julian,

No. 469. An act extending the time of holding courts in the sixth judicial circuit.

By Mr. Seawright,

No. 473. An act to amend an act therein named.

By Mr. Osborn of Laporte,

No. 474. An act for the relief of Andrew Richardson.

By Mr. Jackson,

No. 475. An act to provide for the appointment of township assessors in the county of Tipton, and defining their duties.

By Mr. Yocum,

No. 478. An act declaring a county road running through a part of the counties of Clay and Putnam, a State road.

By Mr. Lowe,

No. 479. An act empowering Rachael Blair, executrix of Enos Blair deceased,, formerly collector of Monroe county, to collect arrears of taxes ;

Were each read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

By Mr. Wilson of Marion,

The claim of E. Hedderly, for sundries furnished State legislature ; Which was referred to the committee on ways and means.

By Mr. Tedford,

No. 470. An act to authorize the Treasurer of Richardville county to sell lands returned delinquent for the non-payment of taxes.

By Mr. Secrest,

No. 471. An act allowing the Secretary and Auditor of State, a compensation for issuing canal land patents.

By Mr. Chambers,

No. 476. A bill to dissolve the bonds of matrimony between Rowley McRay and Sarah McRay ;

Were each read a first time, and ordered to a second reading.

By Mr. Parker,

No. 472. An act to amend the 218th section of the 13th chapter of the Revised Code, page 267.

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Clymer,

No. 477. A bill for the relief of E. F. Lucas;

Which was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

#### PETITIONS PRESENTED.

By Mr. Tomlinson,

A remonstrance of the citizens of Grant county, against attaching a portion of said county to Blackford;

Which was referred to the select committee who have that subject under consideration.

By Mr. Powers,

A remonstrance against the petition, for the repeal of the license law in Steuben county;

Which was referred to the select committee who have that subject under consideration.

By Mr. Mickle,

A petition for slack water navigation on the Wabash and Erie canal;

Which was referred to the committee on corporations.

By Mr. Carnan,

A petition from sundry citizens of Knox county to abolish the office of county auditor in said county;

Which was referred to a select committee of Messrs. Carnan, Edwards, and Rousseau;

By Mr. Clymer,

A petition for a State road therein named;

Which was referred to the committee on roads.

By Mr. Parker,

A remonstrance against any authority being given to authorize the construction of a reservoir on the river Aboite, in Allen county;

Which was laid upon the table.

By Mr. Conduit,

A petition with bill No. 480, which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Conduit, Ford, and Pennington.

Mr. Secrest from the committee on ways and means, reported the following bill;

No. 481. A bill to raise a revenue for the year 1846;

Which was read a first and second times, the rules being suspended, and,

On motion,

Made the special order of the day for to-morrow, at 2 o'clock, P. M.

Mr. Secrest made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred the petition of sundry citizens of Delaware county, praying a repeal of the act limiting the fees of the county auditor of said county, have had that subject under consideration, and a majority of said committee have directed me to report, that in the opinion of the said majority, it is inexpedient to legislate upon that subject, and to ask that said committee be discharged from the further consideration thereof.

Which was concurred in.

Mr. Carter made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred bill of the House No. 61, have had the same under consideration, and have directed me to report the same back to the House without any recommendation, and ask to be discharged from the further consideration thereof.

No. 61. A bill for the relief of Aaron Stanton and others, of La-porte county;

Which being read a second time,

Mr. Moore moved to amend as follows;

“Strike out so much as relates to a State tax.”

Upon the adoption of which amendment, Messrs. Moore and Coon, demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Cameron, Chambers, Clymer, Coffin, Coon, Cornelius, Davis, Endecott, Hazelrigg, Jackson, Kimberlin, Leyman, Legg, Lemmonds, Logan, Lowe, McCormack, Meeker, Mickle, Monroe, Moore, Parker, Porter, Powers, Rippey, Seawright, Shanks, Slater, Sleeth, Smith, Taber, Tedford, Thompson, Tomlinson, Vandever, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Yocum—43.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Carr, Carnan, Conduit, Coor-kerly, Cox, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Henry, Henton, Herron, Hinchman, Huff, Julian, Kerr, Lewis, McDonald, McRae, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Pennington, Ri-



ley, Robinson, Rousseau, Ruby, Stanfield, Stapp, Stewart, Turner, Watt, Wilson of Sullivan, Wise, and Mr. Speaker—44.

So said amendment was not adopted.

Said bill No. 61, was then read a third time, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Secrest made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred the bill of the House No. 434, entitled "a bill to provide for the payment of the expense of surveying and locating the Wabash and Ohio canal, from Terre Haute to Evansville," have had that subject under consideration, and have directed me to report the same back to the House for consideration, without any recommendation from the committee, and to ask that the said committee be discharged from the further consideration thereof.

Said bill No. 434, was read a second time, and ordered to be engrossed for a third reading.

Mr. Secrest made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred bill of the House No. 361, entitled "a bill in relation to collection of State and county revenue," have had that subject under consideration, and directed me to report the same back to the House without amendment and recommend its passage.

Said bill No. 361, was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the Senate No. 141, entitled "An act for the relief of William Phillips of St. Joseph county," have had the same under consideration, and inasmuch as they have no evidence whatever that the remaining tract of land mentioned in the preamble to said bill, is sufficient to secure to the State the amount of money due to it, they deem the passage of the act inexpedient; they have therefore directed me to report said bill back to the House, and recommend that it be laid on the table.

Which was concurred in.

So said bill was laid upon the table.

Mr. Lowe made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 454, "to amend the estray law," have had the same under consideration, and report the same back to the House without amendment, and recommend its passage.

Said bill, No. 454,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Lowe made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill No. 111, of the House, have had the same under consideration, and report that, in their opinion, it is inexpedient, at this time, to pass the same, and recommend that it be indefinitely postponed.

No. 111. A bill to entitle a district court in the counties of Marion, Tippecanoe, and Allen;

Which was read a second time, and indefinitely postponed.

Mr. Lowe made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House, No. 402, "for the relief of Rufus A. Lockwood," accompanied with sundry papers relating thereto, have had the same under consideration, and report said bill back to the House without amendment, and recommend its passage.

Your committee further report that although the said Lockwood may, from information, have apprehended that J. Morrison, President of the Board of Commissioners of the Sinking Fund, had done him injustice, the committee are of opinion that the said Morrison has performed his duty faithfully as such President.

Said bill, No. 402,

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Riley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House, No. 341, have had the same under consideration, and directed me to report legislation on that subject inexpedient and unnecessary, recommend that the bill be laid on the table, and ask to be discharged from the further consideration of the same.

No. 341. A bill to explain certain sections of the Revised Statutes;

Which was read a second time, and laid upon the table.

Mr. Riley, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred sundry petitions praying a repeal of the laws requiring negroes to give bond, &c., on coming into this State—the law prohibiting negroes from testifying where whites are parties, as well as all other laws imposing disabilities on negroes, and asking a law prohibiting the recaption of fugitive slaves in this State, have had that subject under consideration, and directed me to report it inexpedient to grant the prayer of said petitioners, recommend that said petitions be laid on the table, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Sleeth, from the judiciary committee made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill, No. 25, entitled "An act in relation to county treasurers," have had that subject under advisement, and directed me to report said bill back to the House, and respectfully recommend its passage, and ask to be discharged from any further consideration on the matter.

Said bill, No. 25,

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Sleeth, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House, No. 331, entitled "A bill relating to interest," have had that subject under consideration, and directed me to report the same back to the House, without amendment, and respectfully recommend its passage, and ask to be discharged from the further consideration of the subject.

Said bill was read a second time, and on the question of its engrossment,

Messrs. Nelson and Monroe demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Carter, Hazelrigg, Henton, Hinchman, Kerr, McDonald, Osborn of Laporte, Porter, Rousseau, Ruby, Slater, Sleeth, Smith, Stapp, Taber, Thompson, Tomlinson, Wise, Yocum, and Mr. Speaker—20.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Carr, Car-nan, Chambers, Clements, Coffin, Conduit, Cookerly, Coon, Cornelius, Cox, Cruikshank, Edwards, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Henry, Herron, Hill, Huff, Jackson, Julian, Kimberlin, Leyman, Legg, Lemmonds, Logan, Lowe, McCormack, McRae, Meeker, Mickle, Monroe, Mooney, Moore, Nelson, Osborn of Sullivan, Parker, Penning-ton, Powers, Riley, Rippey, Seawright, Shanks, Stewart, Tedford, Turner, Vandever, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Wilson of Sullivan—63.

So said bill was not ordered to be engrossed.

Mr. Sleeth, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House, No. 360, entitled "An act to amend the act in relation to suits at law and proceedings therein," have had that subject under consideration, and directed me to report it back to the House, and respectfully recommend its indefinite postponement.

Which was concurred in.

Mr. Shanks, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred bill of the Senate, No. 161, have had the same under consideration, and have directed me to report the bill back, with two amendments, and when so amended, to recommend its passage.

Bill of the Senate,

No. 161. A bill providing for the better payment of the mortgages due the University fund.

Ist. Amend by adding the following section immediately after section five:

SEC. — The provisions of the foregoing sections are hereby extended to the saline fund, the bank tax fund, the surplus revenue fund, and the congressional township fund; and the Auditor of State, in advertising and making sale of lands mortgaged to the funds mentioned in this section, shall have the same powers and proceed in the same way as prescribed in case of the University fund.

Second amendment:

After the words "provided by law," in the sixth section, insert the words "except so far as modified by this act."

Third amendment:

Amend the title as follows: "and other trust funds."

Which amendments were adopted;

And said bill was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Shanks, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred bill of the House, No. 304, have had the same under consideration, and have directed me to report the same back, and recommend that it be indefinitely postponed, and respectfully ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Shanks, from the committee on education, made the following report:



MR. SPEAKER:

The committee on education, to whom was referred bill of the Senate, No. 114, have had that subject under consideration, and have directed me to report the same back, and recommend its passage.

No. 114. A bill to amend the act relative to the asylum for the education of the deaf and dumb;

Which was read a second time.

Mr. Moore moved to lay said bill on the table.

On which motion,

Messrs. Moore and Monroe demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Coon, Henry, Lemmonds, Lowe, Moore, and Pennington—6.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Cameron, Carr, Carnan, Chambers, Clements, Clymer, Coffin, Conduit, Cookerly, Cornelius, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henton, Herron, Hill, Hinchman, Huff, Jackson, Kerr, Kimberlin, Leyman, Legg, Lewis, Logan, McCormack, McDonald, McRae, Meeker, Mickle, Monroe, Mooney, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Turner, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—83.

So said bill was not laid on the table.

Mr. Thompson moved to recommit with instructions.

Which did not prevail.

The question recurring on the passage of the bill,

Messrs. Lowe and Moore demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Brumfield, Cameron, Carr, Carnan, Chambers, Clements, Clymer, Coffin, Cookerly, Cornelius, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henton, Herron, Hill, Hinchman, Jackson,

Kerr, Kimberlin, Leyman, Legg, Lewis, Logan, McCormack, McDonald, McRae, Meeker, Mickle, Monroe, Nelson, Osborn of La-porte, Osborn of Sullivan, Parker, Porter, Powers, Riley, Rippey, Robinson, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Smith, Stanfield, Stewart, Taber, Tomlinson, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—78.

*Those who voted in the negative are,*

Messrs. Conduit, Coon, Henry, Huff, Lemmonds, Lowe, Mooney, Moore, Pennington, and Thompson—10.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Carnan, from the committee on education, made the following report:

**MR. SPEAKER:**

The committee on education, to whom was referred resolution of the House, directing an enquiry into the expediency of amending sections 129, 130, and 131 of the school law, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 482. A bill amendatory of the school law;

Which was read a first time, and ordered to a second reading.

Mr. Nofsinger, from the committee on education, made the following report:

**MR. SPEAKER:**

The committee on education, to whom was referred the petition of sundry citizens of township No. nine north, of range four west, in the county of Owen, praying the passage of a law authorizing said township to elect a school commissioner; and also, a petition signed by sundry citizens of congressional township No. 23 north, of range two east, in the counties of Clinton and Richardville, praying the passage of a law abolishing the office of township trustees, and for other purposes, have had the same under consideration, and directed me to report that it is inexpedient to legislate upon these subjects, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Hazelrigg, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the resolution of the House instructing them to enquire into the expediency of establishing the mute asylum on the manual labor plan, and provide a farm therefor, have had that subject under consideration, and directed me to report that they consider the proposition to be one of much importance and well worthy the deliberation of the legislature; yet, owing to the shortness of time to mature the plan, they think it would be inexpedient to legislate on that subject the present session, they therefore ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Hazelrigg, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred bill of the Senate, No. 200, entitled "A bill authorizing the erection of suitable buildings for the use of the Lunatic Asylum," have had that subject under consideration, and have directed me to make the following report:

1st. Amend the bill by striking out the word "Asylum," in the fifth line of the first section, and insert the following: "Institution, which shall hereafter be called and known by the name of the Indiana Hospital for the Insane."

2d. Amend the sixth section by striking out the word "Asylum," in the second line, and insert "Hospital."

3d. Amend the sixth section by striking out the word "Asylum," in the second line, and insert "Hospital."

4th. Amend 7th section by striking out of the 2d line the word "Asylum," and insert "Hospital;" and in the 3d line, strike out "Lunatic Asylum," and insert "Hospital for the Insane;" and in the 6th line, strike out "Asylum," and insert "Hospital."

5th. Amend the title by striking out the words "Lunatic Asylum," and insert "Indiana Hospital for the Insane."

The act when thus amended the committee recommend the passage of, and ask to be discharged from the further consideration thereof.

The amendments recommended in the above report were adopted, and said bill was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Seawright from the committee on education made the following report:

MR. SPEAKER :

The committee on education to whom was referred a petition of sundry citizens of Hancock county, asking the legislature to grant them the privilege of forming a new school district, and also a report from a select committee on the same subject, asking the law in reference to forming new school districts to be made plain, have had the same under consideration, and have ordered me to report, that in their opinion the statute of 1843, points out the mode of forming new school districts as plainly as any other duty, in relation to the school law, and your committee are of opinion, that legislation on that subject is inexpedient, and ask to be discharged from the further consideration of that subject.

Which was concurred in.

Mr. Moore from the committee on claims, made the following report:

MR. SPEAKER :

The committee on claims to whom was referred the petition of H. Lasselle, of Cass county, asking relief for damages done to him by the construction of the Delphi dam across the Wabash river, have had the same under consideration, and a majority of the committee have instructed me to report the following joint resolution, and ask to be discharged from the further consideration of the subject.

[G. W. Moore dissents from the report of the majority of the committee.]

No. 483. A joint resolution authorizing Hyacinth Lasselle, of Cass county, to sue the State of Indiana,

Which was,

On motion by Mr. Conduit,

Laid upon the table.

Mr. Lemmonds from the committee on claims, made the following report:

MR. SPEAKER :

The committee on claims, to whom was referred resolution of the House, to enquire into the expediency of making an allowance of ——— dollars to aid the common council of the town of Indianapolis in procuring an engine for the Good Intent Fire Company, have had the same under consideration, and directed me to report the same back to the House inexpedient to legislate thereon.

Which was concurred in.

Mr. Stewart from the committee on claims made the following report:

MR. SPEAKER:

I am directed by the committee on claims, to report the following resolution:

*Resolved*, That the committee of ways and means be instructed to include in the specific appropriation bill the following claims, viz:

Of S. V. B. Noel, for 203 Daily Journals,	\$206 00
Of G. A. & J. P. Chapman, for 103 Tri-weekly	
Sentinels, - - - - -	103 00
Of Tomlinson & Brother, - - - - -	4 68½
Of Charles B. Davis, - - - - -	38 63
Of John H. Farquhar, - - - - -	10 00
Of David Craighead, - - - - -	55 06½
Of Joshua M. W. Langsdale, - - - - -	1 25
Of John B. Buskirk, - - - - -	110 75
Of Morrison & Spann, for 103 Semi-weekly De-	
mocrats, - - - - -	103 00

Which resolution was adopted.

Mr. Henry from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of Andrew F. Hatfield and other citizens of the county of Hancock, have had the same under consideration, and directed me to report the following bill, and respectfully recommend its passage.

No. 484. A bill to enable Andrew T. Hatfield and others, to build a certain bridge therein named;

Which was read a first and second times, the rules being suspended, and,

On motion,

Was laid on the table.

Mr. Vandever from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred a petition of sundry citizens of Kosciusko and Fulton counties, praying that certain territory therein named, be attached to Wabash county, have had



the same under their consideration, and directed me to report the same to the House inexpedient to legislate thereon.

Which was concurred in.

Mr. Vandever from the committee on roads, made the following report:

MR. SPEAKER :

The committee on roads, to whom was referred a petition from sundry citizens of Clark county, praying for a change in the location of a State road therein named, have considered the subject, and have directed me to report, that as the session is so near a close, they deem it inexpedient to legislate upon that subject.

Which was concurred in.

Mr. Dowling from the committee on canals and internal improvements, made the following report:

MR. SPEAKER :

The committee on canals and internal improvements to whom was referred the petition of W. B. Preston and others, citizens of Marion county, asking certain relief for John Carlisle, in regard to water power, have had the same under consideration, and direct me to say that a bill has already been reported, meeting the case presented by the petitioners, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Dowling from the committee on canals and internal improvements, made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred a petition of sundry citizens of Carroll, Cass, and White counties, asking the leasing of certain water power at Lockport, on the Wabash and Erie canal, have had the same under consideration, direct me to report that legislation is inexpedient on the subject, and ask to be discharged from the further consideration of that petition.

Which was concurred in.

Mr. Baker, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred the accounts of the examiners appointed by the Governor to select and classify the lands granted by Congress to the State of Indiana, the better to enable said State to complete the Wabash and Erie canal from Terre Haute to Evansville, have had the same under consideration, and have carefully examined said accounts. The accounts only show the time employed by each person, and it devolved upon the committee to fix a value upon the services of each person employed. The committee have allowed the clerks employed two dollars per day for the time actually employed by them in the service ; to the county examiners they have allowed two dollars per day ; and to the General agent, Frederick E. Goodsell, they have allowed three dollars per day for the time actually employed, in addition to his personal expenses. It may be here proper to remark that in computing the time spent by the county examiners the committee have taken into consideration the quantity of land selected by each examiner. The committee have instructed me to report the following bill and recommend its passage :

No. 485. A bill to provide for the payment of the expenses of selecting and classifying the lands granted by Congress for the completion of the Wabash and Erie canal from Terre Haute to Evansville ;

Which was read a first and second times, the rules being suspended ; and,

On motion,

Was laid upon the table.

Mr. Logan, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred the petition of E. P. Hopkins and others, of Carroll county, praying for the privilege of rafting logs in the canal from Lockport to the Wabash, have had the same under consideration, and directed me to report the same back to the House, and recommend that it be laid on the table, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Logan, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom

was referred the petition of D. K. Ward and others, in relation to water power at Wabash dam No. 4, at Pittsburgh, have had the same under consideration, and directed me to report the same back to the House, and recommend that it be laid on the table, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Nofsinger, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House No. 458, have had the same under consideration and directed me to report the bill back and recommend its passage :

No. 458. A bill authorizing a settlement with Spears & Case for work done on the side cut at Delphi, Carroll county ;

Which was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Clymer, from the committee on canals, &c., made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred a bill of the Senate, No. 89, have had that subject under consideration, and instructed me to make the following report : Amend by striking out from the enacting clause, and insert the following, which is a new bill, and said committee ask to be discharged from the further consideration of the subject :

Said bill,

No. 89. A bill in relation to the Wabash and Erie canal,

Was ordered to be engrossed for a third reading.

Mr. Nelson, from the committee on agriculture, made the following report :

MR. SPEAKER :

The standing committee on agriculture, to whom was referred bill of the House, No. 291, have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

No. 291 ;

Which was read a second time, and ordered to be engrossed for a third reading.

Mr. Julian, from the committee on the State library, made the following report :

MR. SPEAKER :

The committee on the State library, to whom was referred a bill extending the privilege of using the books in the State library to the deaf and dumb asylum, have had the same under consideration, and now report the same back to the House, with the following amendment :

Strike out from the title and from the sixth line of the bill the words "teachers and pupils," and insert the words "principal and teachers."

Also, add to the bill the words "for the use of the pupils thereof."

Which amendments were adopted ;

And said bill read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Stapp, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred a bill fixing the time of holding courts in the third judicial circuit, have had the same under consideration, and directed me to report the same with an amendment, which is a new bill, and ask the concurrence of the House.

Said amendment was adopted ;

And said bill, No. 391,

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Shanks, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred bill of the House, No. 453, have had the same under consideration, and have directed me to report the bill back with one amendment, and recommend its passage.

No. 453. A bill providing for the safety of the mortgages to the trust fund ;

Amend by adding at the end of first section as follows: "and the said certified copy, when so recorded, shall have the same force and effect as the original mortgage would have, if recorded."

Which amendment was adopted;

And said bill was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Clements, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the bill, No. 422, have had the same still further under consideration, and have directed me to report it back, with the following amendments, and recommend its passage:

No. 422. A bill to locate a State road from Troy, on the Ohio river, to Hillsborough, in Martin county;

Amendments as follows:

Strike out the 7th line of the first section, and first word of 8th line, and insert the word "at." Also, insert in the 2nd line after the word "act," the following: "and said commissioner shall, before proceeding to comply with the provisions of this act, take and subscribe an oath to faithfully fulfil his duties."

Which were adopted.

The bill was then read a third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Ford from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Randolph county, asking the extension of a charter of the Hagerstown and Winchester turnpike company, have had the same under consideration, and directed me to report the following bill, and respectfully recommend its passage.

No. 486. A bill to revive and continue certain provisions of an act, entitled an act to incorporate the Hagerstown and Winchester turnpike company, approved February 18, 1839;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Wilson of Marion, from a select committee, made the following report:



MR. SPEAKER:

The select committee to whom was referred bill of the Senate No. 150, have had the same under consideration, and have instructed me to report back the bill, and recommend the following amendments;

Strike out of the 3d section, from the word "shall" in the first line to the word "over" in the second line, inclusive.

Also, the "proviso" in the same section;

Which amendments were adopted, and said bill,  
No. 150. A bill in relation to the bridge over White river, on the Michigan road, in the county of Marion;

Was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Slater from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the act, granting the citizens of Lawrenceburgh a city charter, and for repealing and revising all laws and parts of laws heretofore enacted on that subject, have had that subject under consideration, and have directed me to report the same back without amendment, and recommend its passage.

No. 386. A bill granting the citizens of Lawrenceburgh, a city charter, and for other purposes;

Which was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Riley from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Hancock and Henry counties, have had the same under consideration, and a majority directed me to report the following bill and recommend its passage.

No. 487;

Which was read three several times, the rules being suspended, and laid upon the table.

Mr. Webber from a select committee made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the Senate No. 170, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

No. 170. A bill to extend the Burlington and Lafayette State road;

Which was read a second time, and ordered to a third reading.

Mr. Smith from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred Senate bill No. 131, entitled "An act to amend an act entitled An act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831, have had the same under consideration, and have directed me to report the same back to the House without amendment and recommend its passage.

Said bill after having some amendments offered, was,

On motion,

Laid upon the table.

Mr. Cornelius made the following report:

**MR. SPEAKER:**

The select committee to whom was referred the petition of sundry citizens of Grant county, praying the repeal of the law requiring free negroes and mulattoes to give bond and security on settling in this State, have had the same under consideration, and agree to report that it is inexpedient, (Morrow dissenting) to legislate on that subject, which is respectfully submitted to the House, and the committee request to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Webber from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred bill of the House No. 462, have had the same under consideration, and direct me to report the bill back and recommend its passage.

No. 462. A bill relative to the west line of Marion county;

Which was read a second time, and laid upon the table.

Mr. Harvey from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The committee on enrolled bills report, that they have compared the following enrolled, with the engrossed bills and joint resolution of the House, and find the same correctly enrolled:

No. 320. An act for the relief of messengers to notify electors for President and Vice President of the United States;

No. 305. An act for the relief of Robert Stockwell, of Gibson county;

No. 327. An act to divorce Peter Johnson and Mary Johnson;

No. 344. An act to authorize the levying of a road tax in the county of Franklin;

No. 368. An act for the relief of the heirs of the late Captain Richard McCarty;

No. 302. An act to vacate the town of Blakesburgh, in Putnam county;

No. 261. An act to locate a State road in Fulton and Marshall counties;

No. 292. An act for the relief of Jacob Jones, senior;

No. 315. An act to define the powers of judges when acting on writs of habeas corpus, and applications for writs of injunction;

No. 382. An act appointing a board of superintendents to superintend the changing of the channel or leveeing the banks of Jordan creek, in Vigo county, and for other purposes;

No. 383. An act to vacate a part of the plat of the village of Mishawaka, St. Joseph county, Indiana;

No. 212. An act transferring the duties of school commissioners of Daviess and Martin counties, to the treasurers of said counties;

No. 330. An act to amend the several acts providing for the preservation of the State House, State Library and Legislative papers;

No. 91. An act relative to the punishment of treason and murder in the first degree;

No. 145. A joint resolution on the subject of school sections;

No. 374. An act to vacate a public highway in the county of Greene.

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of the President.

Mr. Ford offered the following resolution:

*Resolved*, That the committee on ways and means be and they are hereby instructed to insert in the specific appropriation bill thirty dollars for the use of Silas Colegrove, Esq., for services rendered by him in prosecuting the pleas of the State at the November term of the Richardville circuit court, in the year 1844.

On motion by Mr. Moore,

“Thirty dollars” was stricken from the resolution, and “fifteen” dollars inserted.

And the resolution, as amended, adopted.

On motion by Mr. Thompson,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of providing means for furnishing the Senate and Representative Halls with new carpets, manufactured within the United States; and into the expediency of providing a

new chair for the better accommodation of the Speaker of the House.

On motion by Mr. Webber,

*Resolved*, That the committee on ways and means be instructed to allow Michael Shea a reasonable compensation for service rendered during the present session of the legislature, for sawing wood and keeping fires in the State Library, sweeping said rooms and going on errands for stationary for the use of the legislature.

Mr. Meeker offered the following resolution:

*Resolved*, That this House will, the Senate concurring therein, go into the election of State Agent to-morrow, Friday, at two o'clock, P. M., of said day.

Which was adopted with the following amendment:

Strike out "two o'clock," and insert "six o'clock."

Mr. Thompson offered the following:

WHEREAS, The General Assembly of the State of Indiana has, by a joint resolution, resolved to adjourn *sine die* on Monday 19th instant.

AND WHEREAS, It must be obvious to all, if the legislature adjourn upon that day, many important measures which the legislature have at great expense been discussing and maturing must be left without a final action thereon: Therefore,

*Resolved*, That said joint resolution is hereby rescinded.

*And be it further resolved*, That the General Assembly can afford to remain in session one week longer at \$1 50 per day, and will adjourn *sine die* on Monday 26th instant.

Mr. Clymer moved to lay said resolution on the table.

On which motion,

Messrs. Clymer and Thompson demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Brumfield, Cameron, Carr, Carnan, Carter, Chambers, Clymer, Conduit, Coon, Cornelius, Cox, Cruikshank, Davis, Edwards, Ellis, Ford, Hall of Warren, Harvey, Hazelrigg, Henton, Herron, Hill, Hinchman, Huff, Jackson, Kimberlin, Legg, Lemmonds, Lewis, Lowe, McCormack, McRae, Meeker, Mickle, Moore, Nelson, Nofsinger, Parker, Pennington, Porter, Powers, Riley, Rippey, Robinson, Ruby, Seawright, Shanks, Sleeth, Smith, Stanfield, Stewart, Taber, Tedford, Tomlinson, Turner, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wise, Yocum, and Mr. Speaker—66.

*Those who voted in the negative are,*

Messrs. Baker, Clements, Cookerly, Dole, Dowling, Endecott, Ferguson, Hall of Gibson, Henry, Kerr, Logan, Monroe, Mooney,

Osborn of Laporte, Osborn of Sullivan, Rousseau, Slater, Stapp, Thompson, Watt, and Wilson of Sullivan—21.

So said resolution was laid upon the table.

Mr. Nofsinger offered the following resolution:

*Resolved*, That the House of Representatives hold night sessions, commencing at half after six o'clock, and closing at ten o'clock.

Which was not adopted.

The rules being suspended therefor,

Mr. Cookerly introduced the following bill:

No. 489. A bill in relation to the five per centum damages on selling lands forfeited to the sinking fund;

Which was read a first time, and ordered to a second reading.

#### JOINT RESOLUTIONS.

By Mr. Hazelrigg,

No. 488. A joint resolution relative to the naturalization laws;

By Mr. Cookerly,

No. 489. An act in relation to the five per centum damages on selling lands forfeited to the sinking fund;

Were each read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their amendments to the bill of the House,

No. 73. An act to provide for the reappraisement of real estate heretofore appraised and subject to taxation.

Mr. Thompson moved that the House insist on their disagreement to the amendment of the Senate above referred to, and that a committee of free conference be appointed on the part of the House.

Which motion prevailed.

And the Speaker appointed Messrs. Thompson and Stanfield said committee.

*Ordered*, That the Clerk inform the Senate thereof.

On motion,

The House adjourned until 2 o'clock, P. M.



2 o'clock, P. M.

The House met.

# ORDERS OF THE DAY.

## SENATE BILLS ON THIRD READING.

No. 13. A joint resolution establishing the per diem allowance of the Probate and Associate Judges of Tippecanoe county ;

No. 211. An act to authorize the recording of a road in Steuben county ;

No. 167. An act in relation to vending intoxicating liquors in Floyd county ;

No. 162. An act to amend an act relative to claims for damages on the public works ;

No. 154. An act to incorporate the Fort Wayne and Plymouth turnpike company ;

No. 151. A bill to incorporate the White river Presbyterian church and society, in Greene county ;

No. 135. An act to amend an act to incorporate the Lawrenceburgh and Harrison turnpike company, approved February 6, 1836 ;

No. 104. An act to incorporate the Fort Wayne and Lima turnpike company ;

No. 112. A bill to incorporate Port Fulton, in Clark county ;

No. 93. An act relative to the water power at Northport, in Noble county ;

No. 49. An act supplemental to an act entitled "An act for the relief of Nathan Burchfield," approved February 11, 1843 ;

No. 172. An act in relation to the Laporte county library ;

No. 180. An act to dissolve the bonds of matrimony heretofore and now existing between William Beckford and Elizabeth Beckford ;

No. 109 ;

No. 177. An act for the relief of the estate of Israel Phillips, late of Marion county, deceased ;

No. 182. An act to incorporate the Rockville and Montezuma railroad company ;

No. 185. An act to incorporate the Covington band of musicians ;

No. 186. An act to extend the provisions of a certain act to the county of Allen ;

No. 188. An act to extend an act entitled "An act to provide for a more efficient mode of expending the road tax in the several counties therein named," approved January 15th, A. D., 1844, to the county of Kosciusko ;

No. 190. An act for electing an additional justice of the peace in Hendricks county ;

No 191. An act for the relief of Ann Evans of Martin county ;

No. 192. An act legalizing a certain record of the board of commissioners of Marshall county ;

No. 194. An act for the relief of Peter N. Clark of Marion county ;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 174 ;

Which was referred to a select committee consisting of Messrs.

#### HOUSE BILLS ON THIRD READING.

No. 294. An act to amend and reduce into one the several acts relating to the corporation of the town of Vevay ;

No. 298. A bill for the relief of Elizabeth Preston ;

No. 340. An act authorizing the superintendent of the Wabash and Erie canal to employ an engineer ;

No. 405. A bill to define the channel of Turtle creek, in Sullivan county ;

No. 413. An act for the relief of John Davis of Orange county ;

No. 424. An act for the relief of Jacob Emswheller ;

No. 426. A bill to provide for a settlement with the superintendent of the State prison ;

No. 433. An act for the relief of county auditors ;

Were each read a third time and passed ;

*Ordered*, That the Clerk inform the Senate thereof.

No. 362. An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville ;

Mr. Carter moved to recommit the bill to a select committee with instructions to add the following amendments :

1st. Add an additional section, providing that this act shall not take effect nor be in force unless bondholders, their agents or attorneys, shall surrender up bonds, as provided in the first section to the amount of eight millions of dollars, and subscribe to the stock for the completion of the Wabash and Erie canal to Evansville, as provided in the sixth section of said act.

2nd. Amend the 7th section by providing that the State shall elect two of the trustees, and the bondholders one.

3rd. Amend the bill by adding another section providing that the salary of the trustees shall not exceed eight hundred dollars per annum each.

Mr. Pennington moved the previous question ;

Which was seconded by the House ;

And the question then being,

“ Shall the main question be now put ? ”

Messrs. Riley and Coffin demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Carr, Carnan, Chambers, Clements, Cookerly, Cornelius, Cruikshanks, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Harvey, Hazelrigg, Herron, Hill, Huff, Jones, Julian, Kerr, Lemmonds, Logan, McRea, Meeker, Monroe, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Rousseau, Ruby, Seawright, Secrest, Stanfield, Stapp, Stewart, Tedford, Thompson, Tomlinson, Watt, Wiley, Wilson of Marion, Wilson of Sullivan, Wise, and Yocum.—52.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Cameron, Carter, Coffin, Coon, Cox, Davis, Ferguson, Ford, Henry, Henton, Hinchman, Jackson, Kimberlin, Legg, Lewis, Lowe, McCormack, McDonald, Mickle, Moon-ey, Moore, Nelson, Powers, Riley, Rippey, Robinson, Shanks, Slater, Sleeth, Taber, Turner, Vandever, Webb, Webber—38.

So the main question was ordered to be put.

And the main question being,

“Shall the bill pass?”

Messrs. Mickle and Riley demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Carr, Carnan, Chambers, Clements, Conduit, Cookerly, Cornelius, Cruikshank, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Herron, Hill, Huff, Jones, Julian, Kerr, Lemmonds, Logan, Lowe, McRae, Meeker, Monroe, Moore, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Slater, Sleeth, Stanfield, Stapp, Stewart, Tedford, Thompson, Tomlinson, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Sullivan, Wise, and Yocum—61.

*Those who voted in the negative are,*

Messrs. Arnold, Cameron, Carter, Clymer, Coffin, Coon, Cox, Davis, Ferguson, Ford, Henry, Henton, Hinchman, Jackson, Kimberlin, Leyman, Legg, Lewis, McCormack, McDonald, Mickle, Moon-ey, Nelson, Powers, Riley, Rippey, Shanks, Smith, Taber, Turner, Webb, Wilson of Noble, and Mr. Speaker—33.

So said bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Hazelrigg moved a reconsideration of the vote just taken.

And Messrs. Hazelrigg and McDonald, demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Clymer, Coffin, Coon, Ferguson, Henry, Henton, Hinchman, Kimberlin, Leyman, Legg, Lewis, McCormack, McDonald, Mickle, Nelson, Riley, Rippey, Smith, Turner, Wilson of Noble, and Mr. Speaker—22.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Carr, Carnan, Carter, Clements, Cookerly, Cornelius, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Herron, Hill, Huff, Jackson, Jones, Julian, Kerr, Lemmonds, Logan, McRae, Meeker, Monroe, Mooney, Moore, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Slater, Stanfield, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Vandever, Watt, Webber, Wiley, Wilson of Marion, Wilson of Sullivan, Wise, and Yocum—65.

So said motion did not prevail.

On motion by Mr. Nelson,

Mr. Herron was excused attendance on the account of ill health, for the rest of the session.

The following message was received from His Excellency the Governor, by J. B. Powers, his private Secretary:

**MR. SPEAKER :**

I am directed by His Excellency the Governor, to inform the House of Representatives, that he has this day approved and signed;

No. 220. A joint resolution on the subject of the reservoir, in Mercer county, Ohio;

No. 271. An act to vacate a State road in the counties of Ohio and Switzerland;

No. 43. An act establishing a State road, in the counties of Elkhart and St. Joseph;

No. 65. An act to attach certain territory therein named, to the county of Jennings;

No. 310. An act in relation to the granting of tavern licenses, in the county of Cass;

No. 186. An act to reduce the fees of the recorder of Johnson county;

No. 28. An act for the relief of purchasers of school lands, in the county of Harrison;

- No. 268. An act relative to the duties of county recorder;  
 No. 169. An act to incorporate the Hagerstown Musical Institute;  
 No. 182. An act to legalize certain deeds therein named;"
- No. 254. An act authorizing John Howensteen, his heirs, and assigns, to keep, maintain, and improve his mill premises, and their appurtenances on the St. Mary's river, in the county of Allen;"
- No. 273. An act authorizing B. F. C. Lodge, late collector for Jefferson county, to collect arrearages of taxes;
- No. 240. An act providing for the erection of a road bridge on the Wabash and Erie canal;
- No. 289. An act establishing a State road in the counties of Montgomery and Fountain;
- No. 278. An act to provide for the election of a county surveyor in the counties of Fulton and Steuben;"
- No. 300. An act to amend an act entitled an act to compel speculators to pay road tax equal to that paid by actual settlers, approved January 31, 1842;
- No. 207. An act for the benefit of supervisors in the counties of Scott, Shelby, and DeCATUR;
- No. 266. An act for the relief of James Miller;
- No. 325. An act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, Boone county, Indiana;
- No. 306. An act for the relief of Eliza Ann Storm, of Marion county;
- No. 313. An act for the relief of Martha Jane Vandusen, of Vanderburgh county;
- No. 299. An act for the relief of Susan Wherley, of Hamilton county;
- No. 279. An act for the relief of Sarah Wallace;
- No. 175. An act to dissolve the bonds of matrimony between Frederick Hartsel and Rosanna Hartsel;
- No. 241. An act for the relief of the citizens of district number 3, congressional township, number 28, north of range 3 east, in Adams township, Cass county.
- All of which originated in the House of Representatives, January 15, 1846.

Mr. Davis moved to reconsider the vote taken on the passage of the bill of the Senate,

No. 93. An act relative to the water power at Northport, in Noble county.

Which motion prevailed.

#### SENATE BILLS ON SECOND READING.

No. 6. A joint resolution on the subject of vacant lands, in the State of Indiana;



No. 199. An act to incorporate the Mt. Carmel Hall of Liberty, in Franklin county;

No. 195. An act in relation to certificates and patents of Michigan road lands;

No. 235. An act for the relief of Nancy Picket, of Switzerland county;

No. 164. An act for the relief of James B. Creager, of Knox county;

No. 223. A bill transferring the duties of the agent of the surplus revenue fund in Scott county, to the school commissioner of said county;

No. 217. A bill for the relief of the legal representatives of George W. Blasdell, deceased.

Were each read a second time, and ordered to a third reading.

No. 202. A bill amendatory of the several acts incorporating the town of Indianapolis;

Was read a first time, and referred to a select committee of Messrs. Wilson of Marion, Webber, and Kimberlin;

No. 213. An act giving the right to the voters of Marion county, to decide as to authorizing license to retail spirituous liquors in their townships;

Was read a second time, and referred to the committee on the affairs of the town of Indianapolis;

No. 197. An act to amend an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831;

No. 215. A bill extending the time of holding courts in the county of Marion, and for other purposes;

No. 220. An act repealing a part of an act entitled "An act declaring the Mississinewa river, a public highway;

Were each read a first time, and,

On motion,

Laid upon the table.

No. 168. A bill to provide for the construction of a Railroad from Martinsville, in Morgan county, to Franklin, in Johnson county;

No. 229. A bill to adjust the water power, now used by James S. Hoagland;

No. 15. A joint resolution in relation to the Indiana Historical Society;

No. 207. An act for the relief of the securities of William Johnson, late collector of Sullivan county;

No. 219. An act relative to the June term of the circuit court of Tippecanoe county;

No. 222. An act to locate a State road in Shelby county;

No. 232. An act to repeal an act entitled "An act to authorize the election of two additional justices of the peace in Shelby county, approved February 11, 1839;

Were each read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The rules being suspended,

Mr. Dowling introduced the following bill,

No. 490. An act to establish a land office for the sale of the lands granted by Congress for the prosecution and completion of the Wabash and Erie canal from Terre Haute to Evansville;

Was read a first and second times, the rules being suspended, and laid upon the table.

No. 451. A joint resolution for the perpetuity of republican institutions;

No. 462. An act for the relief of William Young and others, of Madison county;

Were each read a second time, and laid upon the table;

No. 441. An act to incorporate the New Albany and Corydon Turnpike road;

Which was read a second time, amended,

On motion by Mr. Porter,

And ordered to a third reading.

No. 457;

No. 461. A bill to locate a State road from Greencastle, in Putnam county, to Covington, in Fountain county;

No. 467. A bill prescribing a uniform mode of ascertaining by weight, the quantity of lime that shall pass for a standard bushel in this State;

Were each read a second time, and ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 163. An act leasing the Indiana State Prison, and for other purposes.

In which the concurrence of the House is requested.

Said bill was read a first and second times, the rules being suspended, and pending further action thereon;

The House adjourned until to-morrow morning, 9 o'clock.

## FRIDAY MORNING, JANUARY 16, 1846

The House met pursuant to adjournment.

On motion by Mr. Vandever,

The reading of the journals for the preceding day was dispensed with.

Mr. Porter moved to reconsider the vote taken on the passage of bill of the Senate,

No. 150. An act in relation to the bridge over White river, on the Michigan road, in the county of Marion.

Mr. Wilson of Marion, moved a call of the House;

Which was seconded.

And Mr. Chambers excused attendance on the House for the remainder of the session.

The further call was then suspended.

The motion previously made by Mr. Porter,

Was decided in the affirmative.

Mr. Porter then moved to reconsider the vote on concurring in the amendment made in the report of the committee on the bill;

Which motion prevailed.

Mr. Davis then moved to lay the bill on the table;

Which motion did not prevail.

The question then being on the adoption of the amendment made by the committee;

It was decided in the negative.

Mr. Clements then moved to indefinitely postpone the whole matter;

And on this motion,

Messrs. Seawright and Riley demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Brumfield, Cameron, Carr, Caran, Clements, Clymer, Coffin, Conduit, Coon, Cornelius, Cox, Davis, Edwards, Ellis, Endecott, Ferguson, Harvey, Hill, Huff, Jackson, Kimberlin, Leyman, Legg, Lewis, Logan, McCormack, McDonald, McRae, Moore, Parker, Pennington, Porter, Powers, Rippey, Rousseau, Ruby, Shanks, Slater, Sleeth, Stanfield, Stapp, Stewart, Thompson, Turner, Watt, Webber, Wilson of Marion, Wilson of Noble, Wise, and Mr. Speaker—52.

*Those who voted in the negative are,*

Messrs. Bowman, Cookerly, Cruikshank, Dole, Ford, Hall of Gibson, Hazelrigg, Henry, Henton, Hinchman, Jones, Kerr, Meeker,

Mickle, Mooney, Morrow, Nofsinger, Osborn of Sullivan, Riley, Robinson, Scott, Smith, Taber, Tedford, Tomlinson, Vandever, Webb, Wiley, Wilson of Sullivan, and Yocum—30.

So said bill was indefinitely postponed.

Mr. Harvey, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House, and find the enrollment thereof correctly made:

No. 156. An act for the relief of purchasers of certain canal lands lying in the county of Cass;

No. 248. An act prescribing the mode of advertising sales of lands returned delinquent for the non-payment of taxes;

No. 4. An act for the relief of David Stoner, Lewis Ireland, James H. Andrews, Joseph Long, and others;

No. 322. An act to authorize Aaron K. Sayer and Daniel Sayer to build a dam across Mississinewa river, in Wabash county;

No. 285. An act granting the right of way to a company to construct a rail or turnpike road therein named, in the county of Vermillion;

No. 251. An act for the relief of Alexander J. Line, of Wayne county;

No. 337. An act for the collection of road tax in the county of Hamilton;

No. 335. An act for the relief of James Kitchen;

No. 277. An act to prevent county auditors from practising as attorneys and counsellors at law in the county commissioner's court;

No. 328. An act for the relief of Mary Ann Banks;

No. 367. An act to define the lines of certain school districts in Clay county;

No. 295. An act to amend an act incorporating the city of New Albany, approved February 14th, 1839;

No. 103. An act modifying the thirtieth section of chapter sixteen of the Revised Statutes;

No. 296. An act to locate a State road in the counties of Miami and Madison;

No. 139. An act to amend the first article of the 53d chapter of the revised laws of 1843, and for other purposes;

No. 87. An act to amend the law regulating the practice of courts in the eleventh judicial circuit;

No. 308. An act legalizing the acts of certain justices of the peace in Allen county;

No. 348. An act to extend the time of holding commissioner's court in the counties of Hamilton and Laporte;

No. 326. An act to abolish the necessity of special legislation in the counties of Adams and Jay;

No. 55. An act relative to the issuing of executions;

No. 317. An act for the relief of the heirs of Henry Stevenson, deceased, late of Boone county;

Whereupon the Speaker signed the seme.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Tomlinson moved to take up from the table bill of the Senate,

No. 220. An act repealing a part of an act entitled "An act declaring the Mississinewa river a public highway," approved January 13th, 1844;

Which motion prevailed.

Mr. Mickle moved to indefinitely postpone the bill;

And on this motion,

Messrs. Arnold and Mickle demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Bowman, Cameron, Carr, Carnan, Coffin, Cookerly, Coon, Dowling, Endecott, Henton, Jackson, Kimberlin, McDonald, Mickle, Mooney, Porter, Powers, Riley, Rippey, Secrest, Shanks, Slater, Sleeth, Smith, Taber, Vandever, Watt, Webb, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—35.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Brumfield, Clements, Conduit, Cornelius, Cox, Edwards, Ellis, Ferguson, Ford, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Hinchman, Huff, Jones, Kerr, Leyman, Legg, Lemmonds, Lewis, Lowe, McCormack, McCrae, Meeker, Nelson, Parker, Pennington, Rousseau, Seawright, Stapp, Stewart, Tomlinson, Webber, Wiley, and Wilson of Marion—41.

So said motion did not prevail.

The bill was then read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Moore moved that the bill, No. 93, of the Senate, the vote on the passage of which was reconsidered on last evening, be indefinitely postponed.

Mr. McDonald moved to recommit the bill to a select committee, with the following instructions:

Add a provision making it the duty of the said commissioner to expend \$5,000 for the improvement of water power in the county



of Lake, the money to be derived from the same source, and returned to the treasury in the same manner as provided in the third section of the bill.

The question being on the indefinite postponement of the bill, Messrs. Moore and Parker demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Cameron, Carter, Coon, Cox, Ford, Hazelrigg, Henry, Hinchman, Jackson, Kimberlin, Leyman, Legg, Lewis, McCormack, McDonald, McRae, Mickle, Moore, Parker, Powers, Riley, Rippey, Smith, Thompson, Tomlinson, Turner, Vandever, and Wiley—29.

*Those who voted in the negative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Carr, Carnan, Clements, Conduit, Cookerly, Davis, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Hall of Warren, Harvey, Henton, Hill, Huff, Jones, Kerr, Lemmonds, Logan, Meeker, Monroe, Mooney, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Pennington, Porter, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Stanfield, Stapp, Stewart, Taber, Tedford, Watt, Webb, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—57.

So said bill was not indefinitely postponed.

The question then being on the adoption of Mr. McDonald's instructions,

They were not adopted.

The question then being,

"Shall the bill pass?"

Messrs. Riley and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Carr, Carnan, Clements, Coffin, Conduit, Cookerly, Dole, Dowling, Edwards, Ellis, Endecott, Ferguson, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hill, Huff, Jones, Kerr, Lemmonds, Logan, Meeker, Monroe, Mooney, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Pennington, Porter, Riley, Rousseau, Ruby, Seawright, Secrest, Slater, Sleeth, Stanfield, Stapp, Taber, Tedford, Watt, Webb, Webber, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, Yocum, and Mr. Speaker—53.

*Those who voted in the negative are,*

Messrs. Arnold, Cameron, Carter, Coon, Cox, Cruikshank, Ford, Hazelrigg, Henry, Henton, Hinchman, Jackson, Kimberlin, Leyman, Legg, Lewis, McCormack, McDonald, McRae, Mickle, Moore, Parker, Powers, Rippey, Smith, Thompson, Tomlinson, Turner, Vandever, Wiley, and Wise—32.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Webber moved to take from the table bill

No. 462. An act relative to the west line in the county of Marion ;

Which motion did not prevail.

The question pending on last evening at the adjournment was, on engrossing bill of the Senate,

No. 163. An act leasing the Indiana State prison, and for other purposes ;

Which was again resumed ; and,

Mr. Thompson offered the following amendment :

“The convicts, during the time they are confined in the State prison, shall be kept at hard labor at some one or more of the various mechanical trades which are deemed most profitable and most common within the western part of the United States : such as blacksmiths’ trade, shoe and boot makers’, house joiners’, cabinet makers’,” &c., &c.

Mr. Riley moved to lay the bill, with the amendments, on the table ;

Which motion did not prevail.

The question then being,

“Shall the amendment of Mr. Thompson be adopted?”

It was decided in the negative.

Mr. Riley then moved to amend the first section by striking out “ten” and inserting “five.”

Which motion did not prevail.

Mr. Hazelrigg then moved to amend as follows by inserting it between sections 13 and 14 of the bill :

Sec. — Said lessees shall give each convict who shall serve out the time for which he shall have been convicted, or shall be pardoned by the Executive, a new suit of clothes and three dollars in money at the time of his release, to be paid by the lessee ;

Which amendment was not adopted.

The question then being,

“Shall the bill be engrossed for a third reading on to-morrow?”

Messrs. Riley and Ferguson demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Cameron, Carnan, Clymer, Clements, Cornelius, Cox, Cruikshank, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Warren, Harvey, Hill, Jones, Lemmonds, Logan, McDonald, McRae, Monroe, Moore, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Rousseau, Ruby, Scott, Seawright, Secrest, Shanks, Slater, Stanfield, Stapp, Stewart, Taber, Tomlinson, Vandever, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—52.

*Those who voted in the negative are,*

Messrs. Brumfield, Carr, Conduit, Cookerly, Coon, Ferguson, Hazelrigg, Henry, Henton, Hinchman, Huff, Jackson, Kerr, Kimberlin, Leyman, Legg, McCormack, Meeker, Mickle, Mooney, Nelson, Pennington, Powers, Riley, Robinson, Smith, Tedford, Thompson, Turner, Watt, Wise, and Yocum—31.

So said bill was ordered to be engrossed.

Mr. Cookerly moved that the rules be suspended, and the bill read a third time and passed ;

Which motion prevailed ;

When Messrs. Nelson and Riley demanded the ayes and noes on its passage.

*Those who voted in the affirmative are,*

Messrs. Arnold, Baker, Blackwell, Bowman, Cameron, Carnan, Clements, Clymer, Cornelius, Cox, Cruikshank, Edwards, Ellis, Endecott, Fuller, Harvey, Hill, Jones, Lemmonds, Lewis, Logan, McDonald, McRae, Monroe, Moore, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Rousseau, Ruby, Seawright, Secrest, Shanks, Slater, Stanfield, Stapp, Stewart, Taber, Tomlinson, Vandever, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—49.

*Those who voted in the negative are,*

Messrs. Brumfield, Carr, Conduit, Cookerly, Coon, Davis, Ferguson, Ford, Hazelrigg, Henry, Henton, Hinchman, Huff, Kerr, Leyman, Legg, McCormack, Meeker, Mickle, Mooney, Nelson, Pennington, Powers, Riley, Robinson, Smith, Tedford, Thompson, Turner, Watt, Wise, and Yocum—32.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Tedford, from the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared the following with the engrossed, and find them correctly enrolled :

No. 369. An act giving certain powers and authority to the Frankfort road commissioners in Carroll county ;

No. 436. A joint resolution of the General Assembly of the State of Indiana in relation to Col. John Spencer's settlement with the United States, as late receiver in the land office of the United States at Fort Wayne ;

No. 184. An act to incorporate the White river navigation company ;

No. 321. An act to establish a State road in the counties of DeKalb and Allen ;

No. 69. An act in relation to a contractor on the Madison and Indianapolis railroad ;

No. 86. A bill to authorize the trustees for the Vincennes University to bring suit against the State, and for other purposes ;

No. 52. An act for the relief of purchasers of canal lands ;

No. 110. An act to authorize a re-appraisement and sale of school lands in this State ;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry them to the Senate for the signature of their President.

Mr. Harvey, by consent of the House, introduced the following bill :

No. 491. A bill to authorize the school commissioner of Hendricks county, Indiana, to refund certain moneys to Byron Murray ;

Which was read a first and second times, the rules being suspended, and laid upon the table.

A message from the Senate, by Mr. Gorman, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendment :

No. 282. An act to incorporate the Wild Cat navigation company ;

No. 389. An act to provide for a free turnpike company, in Steuben county ;

No. 347. An act to amend the law regulating duties of supervisors of roads ;

No. 409. An act declaratory of an act to amend an act entitled an act, authorizing Joseph Quinn and James Norvell, to erect toll bridges, approved January 13, 1845;

No. 402. An act for the relief of Rufus A. Lockwood;

No. 458. An act authorizing a settlement with Spiers and Case, for work done on the side cut at Delphi, in Carroll county.

Also, the Senate have concurred in the engrossed amendments of the House, to bills of the Senate, No. 153, and No. 161.

A message from the Senate, by Mr. Gorman, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 319. An act for the payment to Mary Wood and others, of damages recovered by them against the State of Indiana, for injury to their lands by the construction of the Jeffersonville and Crawfordsville road;

No. 314. An act to subject certain lands to taxation;

No. 307. An act to amend the 4th article of chapter 7th, Revised Statutes of 1843, and for other purposes;

No. 323. A bill to require certain statutes to be published in some newspaper at Indianapolis, and for other purposes;

No. 333. An act to declare a misprint in a certain case;

No. 350. An act for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased;

No. 354. An act supplementary to "An act to incorporate the South Bend manufacturing company," approved December 28, 1842;

No. 357. An act to amend section 27, chapter 7, Revised Statutes of 1843, in relation to allowances to sheriffs by county boards;

No. 371. A bill for the relief of E. J. Peck;

No. 373. An act for the relief of James S. Mays, late school commissioner of Knox county;

No. 381. An act to divorce Arthur E. Williams;

No. 390. A bill for the relief of Henry D. Smith;

No. 404. An act for the relief of Jacob Whisler;

No. 412. An act for the relief of John Patterson, of Boone county;

No. 414. An act relative to supervisors in the counties of Carroll and Clinton; also,

No. 352. A joint resolution in relation to the Buffalo and Mississippi Railroad.

A message from the Senate, by Mr. Gorman, their Secretary:



MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, with amendments:

No. 427. An act to exempt from taxation for corporation purposes certain lands within the limits of the city of Lawrenceburgh;

No. 460. An act to incorporate the Madison and Napoleon turn-pike company.

In which engrossed amendments of the Senate, the concurrence of the House of Representatives is respectfully requested.

The amendments to No. 427, were,

On motion,

Concurred in.

The first amendment to No. 460, was,

On motion,

Concurred in.

The remainder were not.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 160. An act for the relief of John C. Parker;

No. 226. An act amendatory of an act entitled "An act relative to the appointment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes, approved January 6, 1845;

No. 241. An act for the relief of Henry Chase of Cass county;

No. 249. An act for the relief of Theodore K., Ann Maria, and Charlotte Brackenridge, heirs of George W. Brackenridge, deceased;

No. 260. An act in relation to damages on sinking fund sales;

No. 261. An act to divorce Maria Heritage (late Maria Miller,) from her husband Joseph Heritage, late of the county of Vigo;

No. 263. An act to amend an act entitled "An act relative to licensing groceries in the counties of Carroll and Cass," approved January 31, 1842;

No. 265. An act for the relief of Adam Firebaugh, of Warren county, Indiana.

In which the concurrence of the House of Representatives is respectfully requested.

The bills in said message mentioned, were each read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bill No. 259, entitled "A bill to legalize certain sales therein named," also, engrossed bill No. 230, entitled "A bill for the relief of John Scott and others," in which the concurrence of the House of Representatives is most respectfully requested.

No. 259, in said message mentioned, was read a first time, and ordered to a second reading;

No. 230, was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Carnan, Osborn, and Pennington.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have refused to concur in the engrossed amendments of the House of Representatives to bill of the Senate No. 3, with the following title;

An act to authorize the holding of special terms of the circuit court, in the twelfth judicial circuit.

On motion by Mr. Mickle,

The House receded from their amendments heretofore adopted.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House with amendments:

No. 445. An act to incorporate the Knightstown and Shelbyville railroad company.

In which the concurrence of the House to said amendments is requested.

The amendments of the Senate to the bill in said message mentioned, were,

On motion,

Concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 264. A bill in relation to the canal scrip issued for the construction of the Wabash and Erie canal, west of Lafayette.

In which the concurrence of the House is respectfully requested.

Said bill was read a first and second times, the rules being suspended, when

Mr. Taber offered the following amendment:

*“Provided, It shall not be lawful for the said canal commissioner, or superintendent, or any of the collectors, or other officers on said canal to redeem any of the said canal scrip out of the tolls or water rents of said canal until after the necessary repairs on said canal are first paid out of the proceeds of said canal.”*

On motion,

The bill with the amendment was laid upon the table; and

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

House met.

The House,

On motion,

Resolved itself into a committee of the whole, on bill

No. 481. An act to raise a revenue for the year 1846;

With Mr. Pennington in the chair.

And after some time spent therein,

The committee rose, and

Mr. Pennington reported that the committee have, according to order, had the bill under consideration, and come to the following amendments, viz:

In the first section, fill the blank by inserting “twenty-five cents.”

In the second section, fill the blank by inserting “seventy-five cents.”

In which amendments he respectfully requested the concurrence of the House.

Mr. Clymer moved to amend the report by striking out “twenty-five,” in the first section, and inserting “twenty.”

And on this motion,

Messrs. Clymer and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Clymer, Coon, Davis, Ferguson, Ford, Henry, Henton, Hinchman, Jackson, Kimberlin, Leyman, McCormack, McDonald, Mickle, Mooney, Powers, Riley, Rippey, Shanks, Smith, Taber, Turner, Webb, Wilson of Noble, Wise, and Mr. Speaker—28.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carr, Clements, Coffin, Conduit, Cookerly, Cornelius, Cruikshank, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hill, Huff, Jones, Kerr, Legg, Lemmonds, Lewis, Logan, McRae, Meeker, Monroe, Moore, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Slater, Sleeth, Stanfield, Stapp, Stewart, Tedford, Thompson, Tomlinson, Watt, Webber, Wiley, Wilson of Marion, Wilson of Sullivan, and Yocum—58.

So said motion did not prevail.

And the amendment of the committee on the first section of the bill was concurred in.

Mr. Clymer then moved to strike out "seventy-five," in the second section, and insert "fifty-cents."

And the question first being on concurring in the report of the committee on the second section of filling the blank with "seventy-five cents;"

Messrs. Clymer and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carr, Carnan, Clements, Conduit, Cookerly, Cornelius, Cruikshanks, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hill, Hinchman, Huff, Kerr, Legg, Lemmonds, Lewis, Logan, McRae, Meeker, Monroe, Mooney, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Slater, Stanfield, Stapp, Stewart, Tedford, Thompson, Tomlinson, Watt, Wiley, Wilson of Marion, Wilson of Sullivan, and Yocum—56.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Carter, Clymer, Coffin, Coon, Davis, Ferguson, Ford, Henry, Henton, Jackson, Jones, Kimberlin, McDonald, Mickle, Moore, Powers, Riley, Rippey, Shanks, Smith,

Taber, Turner, Vandever, Webb, Webber, Wilson of Noble, Wise, and Mr. Speaker—30.

So said amendment of the committee was concurred in.

Mr. Hall of Gibson moved to suspend the rules, and read the bill a third time now;

And on this motion,

Messrs. Clymer and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Bowman, Brumfield, Carr, Carnan, Clements, Conduit, Cookerly, Cornelius, Cruikshank, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Harvey, Hill, Hinchman, Huff, Jones, Julian, Kerr, Legg, Lemmonds, Lewis, Logan, McRae, Meeker, Monroe, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Stanfield, Stapp, Stewart, Tedford, Thompson, Tomlinson, Vandever, Watt, Webber, Wiley, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—58.

*Those who voted in the negative are,*

Messrs. Arnold, Carter, Clymer, Coffin, Coon, Ferguson, Ford, Henry, Henton, Jackson, Kimberlin, McCormack, McDonald, Mickle, Moore, Powers, Riley, Rippey, Smith, Taber, Turner, Webb, and Wilson of Noble—23.

So the rules were suspended, and the bill read a third time.

And on the question,

“Shall the bill pass?”

Messrs. Mickle, and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carr, Carnan, Clements, Conduit, Cookerly, Cornelius, Cruikshank, Dole, Dowling, Edwards, Ellis, Endecott, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hill, Hinchman, Huff, Jones, Julian, Kerr, Legg, Lemmonds, Lewis, Logan, McRae, Meeker, Monroe, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Pennington, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Slater, Stapp, Stewart, Tedford, Thompson, Tomlinson, Vandever, Watt, Webber, Wiley, Wilson of Sullivan, Wise, and Yocum—58.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Clymer, Coon, Davis, Ferguson, Ford, Hazelrigg, Henry, Henton, Jackson, Kimberlin, McDonald, Mickle,



Moore, Powers, Riley, Rippey, Shanks, Smith, Taber, Turner, Webb, and Wilson of Noble—25.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

The rules being suspended;

Mr. Conduit, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred bill of the Senate, No. 174, with instructions to make certain amendments thereto, have had the same under consideration, and report said bill back to the House with said amendments.

Which amendments were concurred in;

And said bill,

No. 174. A bill to provide for the appointment of township assessors in the counties of Monroe and Morgan;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The following message was received from his Excellency, the Governor, by J. B. Powers, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives that, on yesterday, he approved and signed:—

No. 374. An act to vacate a public highway in the county of Greene;

No. 145. A joint resolution on the subject of school sections;

No. 91. An act relative to the punishment of treason and murder in the first degree;

No. 330. An act to amend the several acts providing for the preservation of the State House, State Library, and legislative papers;

No. 212. An act transferring the duties of school commissioners of Daviess and Martin counties, to the treasurers of said counties;

No. 383. An act to vacate a part of the plat of the village of Mishawaka, of St. Joseph county, Indiana;

No. 382. An act appointing a board of superintendents to superintend the changing of the channel or leveeing the banks of Jordan creek, in Vigo county, and for other purposes;

No. 292. An act for the relief of Jacob Jones, Sen.;

No. 315. An act to define the powers of judges when acting on writs of habeas corpus and applications for writs of injunction;

No. 261. An act to locate a State road in Fulton and Marshall counties;

No. 362. An act to vacate the town of Blakesburgh, in Putnam county;

No. 268. An act for the relief of the heirs of the late Captain Richard McCarty;

No. 344. An act to authorize the levying of a road tax in the county of Franklin;

No. 320. An act for the relief of messengers to notify electors for President and Vice President of the United States;

No. 327. An act to divorce Peter Johnson and Mary Johnson;

No. 305. An act for the relief of Robert Stockwell of Gibson county;

All of which originated in the House of Representatives.

A message from the Senate, by Mr. Gorman, their Secretary;

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, with amendments:

No. 148. An act for the relief of the widow and children of Jesse Clinger, deceased;

No. 250. An act to incorporate the Ohio and Indianapolis railroad company;

In which engrossed amendments of the Senate, the concurrence of the House of Representatives is respectfully requested.

The amendments to No. 148, in said message mentioned,

Were concurred in;

*Ordered*, That the Clerk inform the Senate thereof.

The amendments to No. 250, in said message mentioned,

Were not concurred in;

*Ordered*, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled "An act supplemental to the act approved January the 6th, 1846, entitled 'An act to amend an act entitled 'An act to incorporate the Buffalo and Mississippi railroad company,'" approved February 6, 1835;

In which the concurrence of the House is requested.

No. 248, in said message mentioned,

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The following message was also received from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof :

No. 233. An act for the divorce of Cyrus Lomax of Orange county ;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, with amendments :

No. 166. An act to amend an act entitled "An act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8, 1836, approved January 15, 1844, approved January 13, 1845 ;

No. 287. A bill to change that part of the New Albany and Crawfordsville McAdamized road which lies between Salem and New Albany to a railroad, to be constructed by a private company ;

In which engrossed amendments of the Senate to said bills of the House, the concurrence of the House of Representatives is respectfully requested.

The amendments to said bills were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have concurred in the resolution of the House in relation to the election of State Agent, with an amendment :—strike out 6½ o'clock and insert 7 o'clock ;

Which amendment of the Senate was concurred in.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, with amendments :

No. 318. An act relative to apprentices ;

No. 221. An act prescribing the mode of advertising sales of lands mortgaged to the sinking fund ;

The amendments to said bills were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Also, the following bills of the House, without amendment :

No. 428. An act for the relief of Mary Ann Bruner ;

No. 392. An act for the relief of Indiana Young ;

No. 393. An act for the divorce of Robert Hemphill of Monroe county ;

No. 76. An act for the benefit of the inhabitants of township one north, of range ten west ;

A message from the Senate, by Mr. Chapman of Laporte, a Senator :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed bill thereof,

No. 193. A bill for the relief of V. and J. King and others ;

In which I am instructed to ask the concurrence of the House ;

Said bill was read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives without amendments :

No. 293. An act to authorize Nicholas McCarty to build a mill dam across White river, in Marion county ;

No. 283. An act allowing the commissioner on the Wabash and Erie canal to employ an engineer, and for other purposes ;

No. 158. An act to establish a certain road therein named, in Fountain county ;

No. 172. An act to incorporate the Union Medical Society of Northern Indiana ;

No. 70. An act to incorporate the Evansville medical society, and to authorize said medical society to organize and establish a medical college.

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives without amendment:

No. 197. An act for the relief of the heirs of Michael Ross, deceased;

No. 225. An act to incorporate the Hoosier Band of Greenfield;

No. 237. An act to amend the 65th section of the 54th chapter of the Revised Statutes of 1843;

No. 252. A bill for the relief of certain purchasers of school lands in Lost creek township, in Vigo county;

No. 272. An act to extend an act, to provide for the transfer of the surplus revenue fund, &c., approved February 11, 1843.

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed joint resolution of the House without amendment:

No. 378. A joint resolution extending the provisions of a certain act therein named.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the amendment of the House, to bill of the Senate No. 71.

The following message was received from the Senate, by Mr. Holloway, a Senator:

MR. SPEAKER:

The Senate have passed a bill thereof, entitled "A bill to prevent suits in certain cases," and the President has directed me to report the same to the House, and respectfully ask its concurrence therein.

Bill No. 236, in said message mentioned, was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.



A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have concurred in the engrossed amendments of the House to bills of the Senate of the following titles, to-wit:

No. 169. An act for the relief of Moses Noble, of Vanderburgh county;

No. 91. An act abolishing the highway tax, in Morgan county;

No. 10. A joint resolution on the subject of liens upon real estate.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendment:

No. 410. An act to authorize a re-survey of section 16, in township 3, south of range 5 east, in Harrison county;

No. 380. A bill to authorize the sale of a school section, in Jay county;

No. 388. A bill to legalize the assignment of certificates to certain school lands in this State;

No. 403. An act to vacate a part of a State road, in Bartholomew county;

No. 356. An act to legalize the judicial acts of John F. Merrell, late a justice of the peace, in Huntington county;

No. 408. An act to incorporate the town of Hagerstown;

No. 385. An act to establish an additional election precinct in Union township, Perry county;

No. 418. An act for the relief of the widow of Thomas Murphy, deceased, of Brookville, in the county of Franklin;

No. 359. An act to incorporate the Philomathean Society of the Indiana University;

No. 440. An act to amend the road law, in Tipton county;

No. 339. An act to repeal part of a certain act therein named, and for other purposes;

No. 407. An act to locate a State road in Noble county;

No. 213. An act to amend "An act entitled an act to provide for the continuance of the construction of all or any part of the public works by private companies, and for abolishing the board of internal improvement, and the offices of fund commissioner and chief engineer, approved January 28, 1842;"

No. 420. An act regulating the times of holding probate courts, in Green county;

No. 423. An act for the relief of Henry Mancel, and the widow and children of John Reed, deceased;

No. 430. An act to legalize the proceedings of the board of trustees of the town of Rising Sun, in Ohio county;

No. 431. An act to legalize the acts of Daniel B. Redman;

No. 437. A joint resolution providing for the annual publication of General Washington's farewell address with the Governor's message;

No. 439. An act relative to the change of a State road, in Boone county;

No. 358. An act relative to the fees of auditor of Monroe county;

No. 370. An act granting additional power to the president and trustees of the town of Dublin;

No. 363. An act declaring a road therein named, a State road;

No. 400. An act to authorize the auditor of Madison county, to sell the 16th section;

No. 366. An act to locate a State road in the counties of Bartholomew, Decatur, and Jennings;

No. 338. An act to amend an act entitled an act to establish a free turnpike road in Jay county, approved January 13, 1845;

No. 270. An act to assess a school tax in the counties of Adams and Jay;

No. 387. An act legalizing the election and official acts of William H. Parmalee, a probate judge of Wells county;

No. 351. An act to authorize Samuel J. Hoge to construct a mill dam across the Tippecanoe river, in Fulton county;

No. 345. An act to authorize the commissioners of Carroll county, to make a certain appropriation therein named;

No. 353. An act amendatory of an act incorporating the town of South Bend, St. Joseph county, Indiana, approved January 15, 1844, and for other purposes;

No. 355. An act to vacate a part of the town of Independence, in St. Joseph county;

Also, the following message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills of the House, with amendments :

No. 249. An act for the relief of John B. Coleman and others, of Daviess county;

No. 12. An act to amend an act entitled "An act incorporating the Michigan road company," approved January 13, 1845;

Also, the Senate have receded from their amendments to bill of the House, No. 141;

Also, the Senate have concurred in the amendment of the House to bill of the Senate, No. 139 ;

The amendments of the Senate to bills No. 249 and 12, in said message mentioned,

Were concurred in ;

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof :

No. 14. An act to authorize the qualified voters of this State to vote for or against the calling of a convention for a revision of the constitution of this State ;

No. 97. An act defining the duties of county treasurer, county auditor, and supervisors of highways in the counties of Rush and Hancock ;

No. 165. An act to incorporate the Millford and Columbus railroad company ;

No. 187. An act to amend the fifteenth chapter of the Revised Statutes, and to repeal certain sections of said chapter ;

No. 217. An act appointing commissioners to make partition of the real estate of Stephen S. Collett, late of Vermillion county, deceased ;

No. 221. An act to legalize the acts of the Probate Judge of Tippecanoe county ;

No. 227. An act defining the duties of county auditors and school commissioners ;

No. 228. An act to locate a State road from Point Commerce, in Greene county, to the Feeder Dam, on Eel river, in Clay county ;

No. 231. An act to organize a school district in the county of Sullivan ;

No. 234. An act for the relief of Mary Ann Wetherald of Fayette county ;

No. 237. An act to amend an act entitled "An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company," approved January 12, 1845 ;

No. 238. An act to provide for the erection of a bridge across the Wabash and Erie canal ;

No. 239. An act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same ;

No. 240. An act to provide for the collection of the county seminary fund of Hamilton county ;

No. 242. An act to repeal an act entitled "An act authorizing the

election of certain officers in the town of Indianapolis," approved January 15, 1844, and reviving the old law ;

No. 245. An act in relation to an alley in Georgetown, Floyd county ;

No. 246. An act for the relief of the owners of certain canal lands ;

No. 247. An act for the education of the indigent blind of this State ;

In which the concurrence of the House of Representatives is respectfully requested.

Bills Nos. 97, 165, 217, 221, 228, 231, 234, 237, 238, 245, 246, and 247, in said message mentioned,

Were each read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 14, 239, and 240, in said message mentioned,

Were severally read a first and second times, the rules being suspended, and ordered to a third reading.

No. 187 was read a first and second times, the rules being suspended, and,

On motion,

Was referred to the committee on education.

No. 242, in said message mentioned,

Was read a first and second times, the rules being suspended, and,

On motion,

Was referred to the judiciary committee.

No. 227, in said message mentioned,

Was read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Gorman, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate have passed the following bills of the House, with amendments :

No. 297. An act to incorporate the Andersonstown, Greenfield and Shelbyville railroad company ;

In which amendments of the Senate the concurrence of the House is requested ; also,

No. 365. An act amendatory to the several acts relative to the New Albany and Vincennes road ;

Also, the concurrence of the House is requested.

The amendments of the Senate to bill of the House No. 297, mentioned in said message,

Were concurred in ;

*Ordered*, That the Clerk inform the Senate thereof.

The House receded from the amendments of the Senate to No. 265, in the said message mentioned ;

*Ordered*, That the Clerk inform the Senate thereof.

Also, the following message, by Mr. Lane, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, without amendment :

No. 294. An act to amend and reduce into one the several acts relating to the corporation of the town of Vevay ;

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills of the House of Representatives, without amendment :

No. 462. An act to locate a State road therein named ;

No. 265. An act limiting the time within which actions for the recovery of real estate shall be commenced ;

No. 461. An act to vacate a part of the plat of the town of South Bend, in St. Joseph county ;

No. 463. An act to locate a certain State road therein named ;

No. 464. An act to incorporate the Madison cemetery ;

No. 443. An act to locate a State road therein named ;

No. 465. An act to furnish Tipton county with the Revised Statutes of 1838 ;

No. 395. An act to provide for the payment of the members and officers of the General Assembly ;

No. 464. An act to amend an act entitled "An act to incorporate the Laporte University," approved January 20, 1842 ;

No. 401. An act to amend the 7th chapter and the 74th section of the Revised Statutes of 1843 ;

No. 429. An act to repeal an act, &c., approved January 6, 1845 ;

No. 417. An act to extend the time of holding probate courts in the counties of Parke and Posey ;

No. 448. An act to provide for doing county business in the county of Clay ;

No. 438. A joint resolution relating to the signers of our declaration of independence ;

No. 449. An act for the relief of the owners of wet lands in Allen county ;

No. 450. A joint resolution in relation to a State road from St. Mary's river, on the State line, to the Wabash and Erie canal ;



No. 411. An act relative to State roads in St. Joseph, Elkhart and Laporte counties ;

No. 452. An act fixing the time of holding courts in the 9th judicial circuit ;

No. 447. An act for the relief of William H. Darnall, late school commissioner of Hendricks county ;

Also, the following message of the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills thereof :

No. 209. An act to locate a State road in the counties of Noble, Whitley, and Kosciusko ;

No. 218. An act for the relief James Kappeller, and others ;

No. 173. An act to incorporate the Greensfork and Hagerstown turnpike company ;

No. 214. An act to authorize Joshua Small and Ephraim Overman to construct a mill dam across the Mississinewa river ;

No. 255. An act to authorize the removal of obstructions of Big and Little Blue rivers, in Shelby county, and for other purposes ;

No. 252. An act amendatory of an act entitled "An act to incorporate the Lafayette and Ohio turnpike company ;

No. 251. An act to change a part of the State road from McDonald's ferry, in Clark county, to Brownstown, in Jackson county ;

No. 254. An act in relation to opening roads in the county of Fayette ;

No. 250. An act authorizing the purchase of lands in Huntington county ;

No. 208. An act to establish a State road in the counties of Huntington, Whitley, and Wabash ;

No. 216. An act for the relief of Elizabeth Preston ;

No. 184. An act to charter the Alumni of Hanover College ;

No. 256. An act for the relief of Jacob Rozell ;

No. 258. An act to change the name of John Nichols to that of John Beever Nichols ;

No. 235. An act regulating the granting of licenses in the county of Delaware ;

No. 257. An act to provide for the inspection of whiskey in Tippecanoe county ;

In which the concurrence of the House of Representatives is respectfully requested.

Bills No. 209, 173, 214, 255, 252, 251, 254, 208, 216, 184, 256, 258, 235, and 257, in said message mentioned,

Were each read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 218, in said message mentioned,

Was read a first and second times, the rules being suspended, and ordered to a third reading.

No. 250, mentioned in said message,

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

Also, the following message of the Senate, by Mr. Akin, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 253. A bill for the relief of the securities of James A. Kinder, late collector of Madison county;

In which the concurrence of the House is respectfully requested.

Said bill, No. 253, in said message mentioned,

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Also, the following message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof:

No. 113. An act to increase the common school fund;

In which the concurrence of the House is requested.

Bill No. 113, in said message mentioned,

Was read a first time, and ordered to a second reading.

Leave being granted therefor,

On motion by Mr. Monroe,

*Resolved unanimously*, That the thanks of this House be tendered to the Hon. John S. Simonson for the able, dignified, and impartial manner in which he has discharged the duties of Speaker of the House of Representatives during the present session of the General Assembly.

On motion by Mr. Rousseau,

*Resolved*, That this House will, the Senate concurring therein, proceed to elect a lessee of the State Prison of the State of Indiana this evening at seven o'clock, in the Hall of the House of Representatives; also, a warden for said Prison.

Leave being granted,

On motion by Mr. Webb,

*Resolved*, That the trustees of the Deaf and Dumb Asylum be authorized to make out plans and specifications of suitable buildings for said institution; also, to receive subscriptions and donations to aid in the erection of said buildings, and to lay the same before the next General Assembly.

Mr. Vandever moved to take up bill No. 485;

Pending which,

The House adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

The House met.

The following message was received from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have reciprocated the resolution of the House providing for going into the election of lessee of the State Prison and the warden of the State Prison, this evening at seven o'clock.

On motion by Mr. Davis,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives *instantly*, to go into the election of an Agent of State, lessee and warden of the State Prison, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came in and took the seats prepared for them—the President on the right of the Speaker's chair—when both Houses, as a convention, proceeded to the election of an Agent of State by *viva voce* voting.

On the first ballot—

*Those who voted for M. G. Bright are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, English, Goodenow, Hamer, Hamrick, Henry, Herriman, Howell, Jackson, Lane, Parks, Reed, Rockhill, Verbriek, Arnold, Baker, Blackwell, Brumfield, Carr, Carnan, Clements, Conduit, Cookerly, Cornelius, Davis, Dole, Dowling, Edwards, Endecott, Ferguson, Fuller, Hall of Gibson, Harvey, Henton, Hill, Logan, Mickle, Mooney, Nofsinger, Osborn of Sullivan, Porter, Powers, Seawright, Secrest, Slater, Smith, Stanfield, Stapp, Taber, Tedford, Webb, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—62.

*Those who voted for Charles H. Test are,*

Messrs. Bowers, Bradbury, Conner, Cuppy, Davis, Ellis, Handy, Hardin, Holloway, Logan, Major, Moore, Morgan of Decatur, Murphey, Pomeroy, Reyburn, Todd, Winchell, Zenor, Cameron, Carter, Clymer, Coffin, Ellis, Julian, Legg, Lewis, Moore, Parker Riley, Robinson, Ruby, Shanks, Slater, Thompson, Tomlinson, and Wiley—37.

*Those who voted for R. A. Chandler are,*

Messrs. Chenowith, Jones, Miller, Montgomery, Orth, Bowman, Coon, Ford, Hall of Warren, Hazelrigg, Jones, Kimberlin, Leyman, Lemmonds, Lowe, McCormack, McDonald, Monroe, Nelson, Vandever, and Webber—21.

*Those who voted for N. E. McClure are,*

Messrs. Edmonson, Leviston, Morgan of Rush, Cox, Cruikshank, Henry, Hinchman, Huff, Jackson, Kerr, McRae, Meeker, Rousseau, Stewart, Turner, and Watt—17.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the second joint vote *viva voce* for State Agent.

*Those who voted for M. G. Bright are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, English, Goode-now, Hamer, Hamrick, Henry, Herriman, Howell, Jackson, Jones, Lane, Miller, Parks, Read, Reyburn, Rockhill, Verbriek, Arnold, Baker, Blackwell, Bowman, Brumfield, Carr, Carnan, Clements, Clymer, Conduit, Cornelius, Davis, Dole, Dowling, Edwards, Endecott, Ferguson, Fuller, Hall of Gibson, Harvey, Hazelrigg, Henton, Hill, Huff, Jones, Kimberlin, Lemmonds, Logan, Mickle, Monroe, Moon-ey, Nofsinger, Osborn of Laporte, Porter, Powers, Riley, Seawright, Secrest, Sleeth, Smith, Stanfield, Stapp, Taber, Tedford, Vandever, Webb, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—75.

*Those who voted for C. H. Test are,*

Messrs. Bowers, Bradbury, Conner, Cuppy, Davis, Ellis, Handy, Hardin, Holloway, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Todd, Winchell, Cameron, Carter, Coffin, Coon, Cox, Ellis, Hall of Warren, Hinchman, Julian, Leyman, Legg, Lewis, Lowe, McCormack, Mc-

Donald, Moore, Nelson, Osborn of Sullivan, Parker, Robinson, Rousseau, Ruby, Shanks, Slater, Stewart, Thompson, Tomlinson, and Turner—48.

*Those who voted for N. E. McClure are,*

Messrs. Berry of Franklin, Edmonson, Leviston, Zenor, Cookerly, Cruikshank, Ford, Henry, Jackson, Kerr, McRae, Meeker, Watt, and Wiley—14.

M. G. Bright having received a majority of all the votes given, was declared duly elected Agent of State, to serve as such for the term of two years from and after the expiration of his present term of service.

The convention then proceeded to elect by ballot a lessee for the Indiana State prison ;

And upon counting the votes on the first ballot it appeared that,

Simon J. Bottorff received	-	-	-	43 votes.
Samuel H. Patterson received	-	-	-	96 votes.

Samuel H. Patterson having received a majority of all the votes given, was by the President, declared duly elected lessee of the Indiana State prison for the term of ten years from and after the expiration of the term of the present superintendent.

On motion,

The convention proceeded to the election of a warden for the Indiana State prison ;

And on counting the first ballot it appeared that

Alexander Britton received	-	-	-	47 votes.
Samuel B. Mullen received	-	-	-	20 votes.
James Boyer received	-	-	-	23 votes.
William Lee received	-	-	-	41 votes.
Blank	-	-	-	3 votes.

No person having received a majority of all the votes given, the convention proceeded to a second balloting; when

Alexander Britton received	-	-	-	46 votes.
William Lee received	-	-	-	65 votes.
S. B. Mullin received	-	-	-	14 votes.
James Boyer received	-	-	-	7 votes.
Blank	-	-	-	3 votes.

No person having received a majority of all the votes given, the convention proceeded to a third balloting; when it appeared that



William Lee received	-	-	-	-	73 votes.
Alexander Britton received	-	-	-	-	49 votes.
Blank	-	-	-	-	9 votes.

William Lee having received a majority of all the votes given, was by the President, declared duly elected warden of the Indiana State prison, to serve as such from and after the 14th of June, 1846, for the term of three years.

The Senate then retired to their chamber; and,

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

## SATURDAY MORNING, JANUARY 17, 1846.

House met pursuant to adjournment.

The reading of the Journals for the preceding day was dispensed with.

The rules being suspended,

Mr. Carr introduced the following resolution:

No. 491. A joint resolution on the subject of postage;

Which was read a first and second times, the rules being suspended, and was amended,

On motion by Mr. Carnan,

As follows:

*Resolved further*, That our Senators be instructed and our Representatives be requested to use their influence to procure a modification of the Post Office regulations so as to permit members and officers of the Legislature to endorse their names on newspapers and public documents which they may mail to their constituents.

Said joint resolution was then ordered to be engrossed for a third reading.

## ORDERS OF THE DAY.

No. 485. A bill to provide for the payment of the examiners appointed by the Governor to select and classify the lands granted by Congress for the completion of the Wabash and Erie canal from Terre Haute to Evansville;

Was read a second time, amended, the bill considered as engrossed, and the rules suspended;

And on the question of its passage,

Messrs. Cox and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Carr, Clements, Conduit, Cookerly, Cruikshank, Dole, Dowling, Edwards, Endecott, Ferguson, Fuller, Hall of Gibson, Harvey, Hill, Julian, Kerr, Lemmonds, Logan, Monroe, Mooney, Moore, Nelson, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Ruby, Seawright, Secrest, Shanks, Slater, Sleeth, Stapp, Stewart, Taber, Tomlinson, Vandever, Watt, Webb, Webber, Wiley, and Wilson of Sullivan—45.

*Those who voted in the negative are,*

Messrs. Arnold, Blackwell, Cameron, Carter, Coffin, Cornelius, Cox, Ellis, Ford, Hazelrigg, Henry, Henton, Hinchman, Huff, Jackson, Kimberlin, McCormack, McDonald, McRae, Meeker, Mickle, Pennington, Porter, Powers, Rippey, Robinson, Smith, Stanfield, Thompson, Turner, Wise, and Mr. Speaker—32.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Clements,

No. 490. An act to establish a land office for the sale of the lands granted by Congress for the prosecution and completion of the Wabash and Erie canal from Terre Haute to Evansville;

Was taken from the table.

Mr. Thompson moved to amend as follows;

That there shall be a transcript filed under the direction of the Governor, as soon after the passage of this act as practicable with the clerks of the circuit courts within said Vincennes land district, a list of all the lands selected in each county by the State under said grant made by Congress, for the completion of said canal."

Which motion did not prevail.

Mr. Dowling offered the following amendments;

"*Provided, however*, That nothing in this act shall be so construed as to pledge the faith of the State for the completion of the Wabash and Erie canal to Evansville.

"The proceeds of the lands shall be placed in the State Treasury, subject to the action of a future legislature—to be paid to our bondholders, or to the General Government, as the case may be."

Pending which,

Mr. Clements moved

To lay the bill upon the table,

Which did not prevail.

Mr. Thompson moved to indefinitely postpone the bill.

On which motion,

Messrs. Thompson and McDonald, demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Blackwell, Brumfield, Cameron, Carr, Carter, Clymer, Coffin, Coon, Cornelius, Cox, Davis, Edwards, Ellis, Ferguson, Ford, Hall of Warren, Harvey, Henton, Hill, Hinchman, Huff, Jackson, Kimberlin, Lemmonds, McCormack, McDonald, McRae, Meeker, Mickle, Mooney, Osborn of Laporte, Osborn of Sullivan, Pennington, Porter, Powers, Riley, Rippey, Robinson, Ruby, Shanks, Secrest, Slater, Sleeth, Smith, Stanfield, Tedford, Thompson, Turner, Watt, Webb, Webber, Wiley, and Mr. Speaker—55.

*Those who voted in the negative are,*

Messrs. Baker, Bowman, Carnan, Clements, Cookerly, Dole, Dowling, Endecott, Fuller, Hall of Gibson, Hazelrigg, Kerr, Logan, Lowe, Moore, Nelson, Nofsinger, Parker, Seawright, Stapp, Stewart, Taber, Vandever, Wilson of Sullivan, and Wise—25.

So said motion prevailed, and the bill was indefinitely postponed.

Mr. Secrest from the committee of ways and means, reported the following bill;

No. 493. An act making specific appropriations for the year 1846;

Which was read a first and second times, the rules being suspended, and laid on the table.

Mr. Secrest also from the committee of ways and means, made the following report on the condition of the finances of the State.

**MR. SPEAKER:**

The committee of ways and means, to which an inquiry into the condition of the finances of the State properly belongs, as well as those offices immediately connected therewith, to the full extent of the time and means within their control, have had those subjects under their consideration, and have directed me to report:

That the committee in discharge of their duty, in looking into the present and prospective condition of the finances of the State, with the view of making the annual provisions in relation to them, feel the embarrassment consequent upon the importance of the condition of the affairs of the State. For several years past, the Executive and Legislative departments of the government have attempted to portray in suitable terms the embarrassments of the people, and of the government of the State; but masterly as were the pens with which these descriptions were drawn, they all fell short of the reality. Every interest and every species of property has felt, and deeply felt their ruinous effects. They have proved as severe as their prevalence was general—embracing every condition of the people and every branch of the government, and their blighting

effects can only now be understood by those who witnessed and experienced them.

In 1841, the State, for internal improvement purposes, was found to be indebted to the amount of more than *twelve* millions of dollars, including our foreign and domestic debts, and without the present means or available resources to meet the interest then due upon any portion of it, as by the terms of her contracts, guarantied by her plighted faith, she had bound herself to do. So anxious have been the people and their representatives in the General Assembly to extend all the relief in their power to their creditors, that upon more than one occasion, the means of meeting the ordinary expenditures of the government were diverted from that object to their payment, until the State was compelled to resort to temporary loans to raise the means to pay the salaries of her officers.

To enumerate the causes which have led to these results—now understood by all—would be useless and unavailing. To attempt to throw the odium of them upon any party or class of the citizens of the State, would be improper and unjust. That every class and every interest have alike been deeply involved by them, is enough to satisfy the candid that they were alike unforeseen by the government—the people, and every class of their creditors, and this embarrassed state of things has been continued for more than four years, with but little relief to any.

Humiliating as was the task, candor and a sense of justice, both to the State and her creditors, required that we should with frankness acknowledge our liabilities, and assert our willingness to discharge them, as soon as our resources could be rendered available. This, through every branch of the authorized agencies of the State done, with the fond hope of avoiding the charge of intentional repudiation—a charge as wholly unfounded, as it was ruinous to the credit of the State, and the value of her stocks in the hands of her confiding creditors, the ignorant and unthoughted *few* nevertheless made it, and placed in doubt the honor and character of the State among the uninformed. Deep as has been the anxiety every where to expel every doubt about the honesty of our professions, thus authoritatively proclaimed to the world, by the prompt payment of the interest on our liabilities; yet the State has not been able to provide the means necessary to relieve her from this condition, nor could she, until by the industry and economy of her people, they could first extricate themselves from the individual embarrassment experienced so heavily by all; and during this suspense, greatly to our discouragement, our debt was annually increasing, at the rate of more than a half of a million of dollars for the arrears of interest falling due and remaining unpaid.

To permit this state of things to continue longer than we are compelled by an imperious necessity, would be unwise and impolitic. Such we feel assured is not either the interest, or the wish of the people of the State. For the last five years, the question was



one of *ability* only. Never have they suffered it to become one of *common honesty*, and we are satisfied, that in no part of the State could they be induced to tolerate it, even for a moment.

With the first notions of government, the people of the west imbibed a love for our republican institutions, and a jealous care for their honor, and on more than one occasion have they proved their devotion to them by the most fearful hazards. They never have, and we confidently predict they never will, permit the honor of the State to be weighed in the balance and found either wanting or doubtful. With them the fair fame of the State is far above such sordid considerations. To think of pushing off this already immense debt, with its rapidly increasing weight, upon their posterity for payment, would be at war with a principal in man's nature, and little less dishonorable than repudiation itself.

Dark and gloomy as the past has been, your committee cannot do less than congratulate the General Assembly and the people, upon the wisdom, energy, and economy which exists in every part of the State, and which promises, with so much certainty, if carefully followed up, to relieve the State of embarrassment and retrieve its honor. Dangerous and difficult as have been the affairs of the State in its youth, a healthy and vigorous maturity, and an honorable age, by the untiring energies of our present hardy and enterprising population, certainly awaits it. The character of the people is not now one for visionary theory, but for beneficial and practicable purposes. In it can be seen in embryo, the elements of a coming literary, scientific, and commercial fame. By its efficient agency, amidst the gloom of the past, the heavy forests have been levelled with increasing rapidity—our prairies and fields rendered more productive, our schools and colleges crowding—the opening germs of genius fostering and ripening into an early maturity, and our rivers and lakes covered with boats and ships, bearing the rich products of our industry to the doors of the consumer. The blighting mildews upon our prosperity, are happily beginning to recede from the view of our citizens, encouraging them onward to renewed exertions, and laying the foundation of contentment and competency, and constitutes the true harbinger of a better and more permanent basis for the future security of the public faith, and the public honor.

Nor has there been wanting in the public officers of the State a corresponding industry, fidelity, and economy, so far as the committee have had the means to enquire. They have, with a commendable zeal for the public interest, lent every energy in their power to the reduction of the expenditures, and husbanding the shattered resources of the State, as will be at once seen by the very able and well digested reports of the Auditor and Treasurer of State. An amount exceeding *twenty-two* thousand dollars per annum has been lopped off the ordinary expenditures, without essential detriment to the public service. Of the domestic debt of the State, more than one half it, has already been paid off, and the available means of



the treasury, it is confidently believed, will be equal to the demands upon it for the current year, after paying off the temporary loan of fifty-six thousand dollars from the State bank, which, under existing laws, the treasurer will be able soon to meet and liquidate.

By reference to the report of the Auditor of State, it will be seen, that the true amount in the treasury at the close of the fiscal year, ending October 31st, 1845, was \$770,128 40. This sum mainly consisted in redeemed treasury notes within the last year; and although these notes are at a premium, it shows a gratifying reduction of the domestic debt.

Of this sum the committee have carefully counted and destroyed the following amounts, to-wit:

Of six per cent. treasury notes of various dates,	\$147,370 00
Upon which interest has been paid to the amount of	36,204 00
	<hr/>
Making of principal and interest,	\$183,574 00
Of Wabash and Erie canal scrip, commonly called "blue dog,"	\$259,415 00
Of the 5 per cent treasury notes, called bank scrip,	\$76,590 00
Upon which interest has been paid at the treasury, to the amount of	10,229 31
	<hr/>
Making of principal and interest,	\$86,819 31
Of Wabash and Erie canal scrip called "White dog,"	\$90,537 92
Upon which, interest has been paid to the amount of,	4,999 54
	<hr/>
Making of principal and interest,	\$95,537 46
Of State bonds for internal improvement and other purposes,	\$42,000 00
Upon which interest has been paid to the amount of	4,750 00
	<hr/>
Making of principal and interest,	\$46,750 00

A more particular description of which will be found in statement "A" hereto appended.

The amounts drawn for by the Auditor for the year ending on the 31st day of October, 1845, will be seen by reference to statement "B" and the amounts drawn for from that time until the first day of January, 1846, will be seen by reference to statement marked "C," both of which are hereto annexed; and your committee take pleasure in being able to state, that for these sums they have examined the Auditor's books and vouchers, and find them to be correct.

In fixing the revenues of the coming year, the committee have

had an eye to the improving condition of the monetary affairs of the people on the one hand, as furnishing the ability of our citizens to pay, and of the increasing demands of the State to meet her increasing liabilities for interest.

There is now before the General Assembly a bill to provide for the liquidation of the public debt; but whether it will be their pleasure to make it the law of the land, the committee will not attempt to predict. If it should be passed, it is confidently believed, that a property tax of twenty-five cents upon the one hundred dollars of the valuation, and a poll tax of seventy-five cents will be amply sufficient to meet its provisions and defray the ordinary expenditures for the coming year, but if for the purpose of meeting the provisions of this bill, the funds raised should not be needed, their beneficial effects will be none the less salutary for the payment of so much the more of the interest and principal of the domestic debt. The increased burthen of taxation thus imposed, will not, it is believed, be sensibly felt by the people, while it must produce a very salutary effect upon the public credit, in the preservation of which, every good citizen feels a lively interest. The increasing prosperity of the people has been such, that it will scarcely be doubted by any, that a tax thirty per cent. higher than that of 1842, could be met with greater ease, and certainly with more promptness than was the tax of that year.

The unanimity of interest and feeling which pervades every part of the State for providing asylums for the deaf and dumb, and for the insane, as also a fund for the education of the blind, is as honorable to the people as it is useful to those for whom it is provided. To such humane institutions, planted and sustained by taxation amidst the gloom of the past few years, we may safely point in refutation of the assaults made upon the character of our fellow citizens. They are more honorable to the State than any system of internal improvements or public or individual wealth could possibly make us. To these unoffending and unfortunate beings, just soever as may be the Providence under which they suffer, we owe a higher obligation than any which can possibly arise by contract, and already are we beginning to witness with pride and satisfaction, the blessings which our pittance has conferred upon them. Above all other claims, do your committee regard the obligations of the State to provide for them the accustomed revenue, and the committee have therefore reported the usual provision in the bill to raise a revenue for the year 1846, and concur unanimously in recommending its passage.

HENRY SECREST, *Chairman*,  
JOEL VANDEVEER,  
THOS. S. STANFIELD,  
G. W. CARR,  
G. BURTON THOMPSON,  
R. S. COX.

The committee of ways and means have cancelled of the funds in the office of the State Treasurer during the session of the General Assembly beginning in December, 1845, the following amounts and descriptions, to-wit:

*State Scrip.*

<i>No. of pack of bills.</i>	<i>Denom-ination of bills.</i>	<i>The date of the Issue.</i>	<i>Number of Bills in each pack.</i>	<i>Interest on each Bill.</i>	<i>Total amount of Interest on each Pack.</i>	<i>Total amount of Principal.</i>	<i>Total amount of Principal and Interest.</i>
42	\$5	April 20, 1840,	1,034	\$1 36	\$1,406 24	\$5,170	\$6,576 24
43	5	April 20, 1840,	953	1 36	1,296 08	4,765	6,061 08
44	5	April 20, 1840,	1,017	1 36	1,383 12	5,085	6,468 12
45	5	April 20, 1840,	985	1 36	1,339 60	4,925	6,264 60
46	5	April 20, 1840,	1,082	1 36	1,471 52	5,410	6,881 52
47	5	April 20, 1840,	1,082	1 36	1,471 52	5,410	6,881 52
48	5	April 20, 1840,	1,047	1 36	1,423 92	5,235	6,658 92
49	5	April 20, 1840,	1,075	1 36	1,462 00	5,375	6,837 00
50	5	April 20, 1840,	933	1 36	1,268 88	4,665	5,933 88
51	5	April 20, 1840,	1,077	1 36	1,464 72	5,385	6,849 72
52	5	April 20, 1840,	1,080	1 36	1,468 80	5,400	6,868 80
53	5	April 20, 1840,	1,090	1 36	1,482 40	5,450	6,932 40
54	5	April 20, 1840,	972	1 36	1,321 92	4,860	6,181 92
54	5	September 20, 1840,	217	1 23	266 91	1,085	1,351 91
55	5	September 20, 1840,	901	1 23	1,108 23	4,505	5,613 23
56	5	September 20, 1840,	1,001	1 23	1,231 23	5,005	6,236 23
57	5	September 20, 1840,	989	1 23	1,216 47	4,945	6,161 47

58	5	January 1, 1842,	48	85	40	80	240	280	80
58	5	February 10, 1841,	717	1 12	803	04	3,585	4,388	04
58	5	September 20, 1840,	341	1 23	419	43	1,705	2,124	43
59	50	April 20, 1840,	410	13 58	5,567	80	20,500	26,067	80
59	50	September 20, 1840,	24	12 33	295	92	1,200	1,495	92
59	50	February 10, 1841,	2	11 17	22	34	100	122	34
60	5	April 1, 1841,	357	1 08	385	56	1,785	2,170	56
60	5	May 1, 1841,	570	1 05	598	50	2,850	3,448	50
60	5	June 1, 1841,	321	1 03	330	63	1,605	1,935	63
61	5	July 1, 1841,	1,143	1 00	1,143	00	5,715	6,858	00
62	5	July 1, 1841,	505	1 00	505	00	2,525	3,030	00
62	5	September 1, 1841,	514	95	488	30	2,570	3,058	30
63	5	September 1, 1841,	177	95	168	15	885	1,053	15
63	5	October 1, 1841,	489	92	449	88	2,445	2,894	88
63	5	November 1, 1842,	804	90	723	60	4,020	4,743	60
64	5	December 1, 1841,	698	87	607	26	3,490	4,097	26
64	5	January 1, 1842,	679	85	577	15	3,395	3,972	15
88	5	April 20, 1840,	1,000	1 06	1,060	00	5,000	6,060	00
89	5	April 20, 1840,	27	1 36	37	72	135	171	72
89	50	April 20, 1840, (int. to be added 85 15.)	1	13 58	13	58	50	63	58
89	5	September 20, 1840,	20	1 23	24	60	100	124	60
89	5	May 10, 1841,	2	1 05	2	10	10	12	10
89	5	April 1, 1841,	1	1 08	1	08	5	6	08
89	5	Altered Scrip,	152	.....	.....	.....	760	760	00
.....	.....	.....	25,555	.....	\$36,352	96	\$147,350	\$183,574	96
					4	96	20	24	96
					\$36,352	96	\$147,370	\$183,722	96

*Of Wabash and Erie Canal Scrip west of Tippecanoe river, commonly called "Blue Dog."*

<i>No. of pack</i>	<i>No. of Bills.</i>	<i>Amount of Dollars.</i>	<i>No. of Packs.</i>	<i>Number of Bills.</i>	<i>Number of Dollars.</i>
1	960	4,800	22	1,583	7,915
2	978	4,890	23	1,615	8,075
3	1,395	6,975	24	1,532	7,660
4	1,525	7,625	25	1,479	7,395
5	999	4,995	26	1,625	8,125
6	1,020	5,100	27	1,592	7,960
7	1,153	5,765	28	1,422	7,110
8	1,348	6,740	29	1,498	7,490
9	1,109	5,545	30	1,246	6,230
10	1,420	7,100	65	1,475	7,375
11	949	4,745	66	694	3,470
12	1,046	5,230	67	868	4,340
13	1,633	8,165	68	1,165	8,075
14	1,595	7,975	73	1,570	7,850
15	1,135	5,675	74	906	4,530
16	1,071	5,355	75	732	3,660
17	935	4,675	76	949	4,745
18	1,310	6,550	77	992	4,960
19	1,296	6,480	78	764	3,820
20	1,223	6,115	79	868	4,340
21	1,637	8,185	31	1,121	5,605
....	.....	.....	.....	51,883	259,415

*Of Five per cent. Bank Scrip.*

<i>No. of pack.</i>	<i>Number of Bills.</i>	<i>Amount of Money.</i>	<i>No. of Pack.</i>	<i>Number of Bills.</i>	<i>Number of Dollars.</i>
32	1,090	\$5,450	39	1,042	5,210 00
33	1,177	5,885	40	1,123	5,615 00
34	1,106	5,530	41	1,274	6,370 00
35	1,481	7,405	69	1,065	5,325 00
36	1,088	5,540	70	810	4,050 00
37	1,266	6,330	71	692	3,460 00
38	1,180	5,900	72	924	4,620 00
....	15,318	.....	.....	.....	\$76,590 00
....	5	.....	.....	.....	* 10,229 31
....	\$76,590	.....	.....	.....	\$86,819 31

\* Amount of interest computed on the whole amount, and allowed, \$10,229 31.



*Of Wabash and Erie Canal Scrip east of Tippecanoe river, commonly called "White Dog."*

<i>Number of Pack.</i>	<i>Amount in each.</i>	<i>Interest allowed.</i>	<i>Principal and Interest.</i>
80	\$ 8,882 43	\$ 743 32	\$ 9,625 75
81	5,475 00	313 14	5,788 14
82 and 83	11,362 37	473 65	11,836 02
84 and 85	8,920 00	365 13	9,285 13
86	3,401 23	260 50	3,661 73
87	51,231 89	2,785 90	54,017 79
88	1,265 00	57 90	1,322 90
Totals,	\$ 90,537 92	\$ 4,999 54	\$ 95,537 46

### RECAPITULATION.

<i>Kind of Funds.</i>	<i>No. Bills.</i>	<i>Of Principal.</i>	<i>Of Interest.</i>	<i>Total Am't.</i>
6 pr.ct. St. scrip	25,555	\$ 147,370 00	\$ 36,352 96	183,574 96
Blue dog	51,883	259,415 00	.....	259,415 00
5 pr.ct. Bk. scrip	15,318	76,590 00	10,229 31	86,819 31
White dog	.....	90,537 92	4,999 54	95,537 46

Amount credited to the Treasurer, \$44 73.

NOTE.—The cause of the difference between the amount of interest credited to the Treasurer, and that computed on the six per cent. treasury notes, arises from the fact that the county treasurers were not credited for the full amounts, and the committee therefore only allowed to the Treasurer the sum which by his books was shown to have been paid, and for which alone he claimed a credit.

Test,

D. R. ECKELS,

*Clerk of Committee of Ways and Means.*

Amount and description of State Bonds examined, computed, and defaced by the committee of ways and means, at the office of the Treasurer of State, on the 16th day of January, 1846, with the interest paid thereon by the Treasurer on their redemption at his office.

The following first twenty bonds were paid in by M. G. Bright as State Agent, on which there was no interest paid or allowed by him, to-wit:

*Of Wabash and Erie Canal Loan.*

<i>Date.</i>	<i>No.</i>	<i>Principal.</i>	<i>Interest.</i>	<i>Signed by.</i>
July 1, 1836,	1818	\$1,000	.....	Jeremiah Sullivan, Samuel Hanna, and Isaac Coe, Commissioners.
July 1, 1836,	1819	1,000	.....	Jeremiah Sullivan, Samuel Hanna, and Isaac Coe, Commissioners.
July 1, 1836,	1820	1,000	.....	Jeremiah Sullivan, Samuel Hanna, and Isaac Coe, Commissioners.
July 1, 1836,	1821	1,000	.....	Jeremiah Sullivan, Samuel Hanna, and Isaac Coe, Commissioners.
Jan. 1, 1835,	144	1,000	.....	W. C. Linton, N. McCarty, and Jeremiah Sullivan, Commissioners.
Jan. 1, 1835,	145	1,000	.....	W. C. Linton, N. McCarty, and Jeremiah Sullivan, Commissioners.
Jan. 1, 1835,	146	1,000	.....	W. C. Linton, N. McCarty, and Jeremiah Sullivan, Commissioners.
Jan. 1, 1835,	147	1,000	.....	W. C. Linton, N. McCarty, and Jeremiah Sullivan, Commissioners.
Jan. 1, 1835,	148	1,000	.....	W. C. Linton, N. McCarty, and Jeremiah Sullivan, Commissioners.

*Of Internal Improvement Loan.*

August 1, 1838,	51	1,000	.....	Isaac Coe, C. B. Smith, and James Farrington, Commissioners.
August 1, 1838,	52	1,000	.....	Isaac Coe, C. B. Smith, and James Farrington, Commissioners.
August 1, 1838,	53	1,000	.....	Isaac Coe, C. B. Smith, and James Farrington, Commissioners.
August 1, 1838,	54	1,000	.....	Isaac Coe, C. B. Smith, and James Farrington, Commissioners.

August 1, 1838,	55	1,000	.....	Isaac Coe, C. B. Smith, and James Farrington, Commissioners.
August 1, 1838,	61	1,000	.....	Isaac Coe, C. B. Smith, and James Farrington, Commissioners.
August 1, 1838,	62	1,000	.....	Isaac Coe, C. B. Smith, and James Farrington, Commissioners.
August 1, 1838,	65	1,000	.....	Isaac Coe, C. B. Smith, and James Farrington, Commissioners.
August 1, 1840,	2222	1,000	.....	Milton Stapp and N. B. Palmer, Treasurer of State, Commissioners.
<i>State Bank Loan.</i>				
May 1, 1839,	366	1,000	.....	Milton Stapp and Lucius H. Scott, Commissioners.
May 1, 1839,	983	1,000	.....	Milton Stapp and Lucius H. Scott, Commissioners.

The following twenty-two bonds were paid into the Treasury by debtors to the Lawrenceburgh and Indianapolis Railroad Company, with the interest due thereon, to-wit:

July 1, 1838,	730	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1838,	764	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1838,	797	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1838,	800	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1838,	909	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1838,	950	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1838,	974	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1838,	988	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
August 1, 1838,	28	1,000	225	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
August 1, 1838,	29	1,000	225	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1836,	1229	1,000	200	Jeremiah Sullivan, Samuel Hanna, and Isaac Coe, Commissioners.
July 1, 1836,	1232	1,000	200	Jeremiah Sullivan, Samuel Hanna, and Isaac Coe, Commissioners.
July 1, 1837,	1293	1,000	200	Samuel Hanna, Isaac Coe, and Caleb B. Smith, Commissioners.
July 1, 1838,	3274	1,000	200	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1838,	3677	1,000	225	Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
July 1, 1839,	4147	1,000	200	Milton Stapp and Lucius H. Scott, Commissioners.

<i>Date.</i>	<i>No.</i>	<i>Principal.</i>	<i>Interest.</i>	<i>Signed by.</i>
July 1, 1839,	2403	\$ 1,000	\$ 225	<i>Wabash and Erie Canal Loan.</i> Isaac Coe, Caleb B. Smith, and James Farrington, Commissioners.
May 1, 1839,	76	1,000	250	<i>State Bank Loan.</i> Milton Stapp and Lucius H. Scott, Commissioners. Milton Stapp and Lucius H. Scott, Commissioners. Milton Stapp and Lucius H. Scott, Commissioners. Milton Stapp and Lucius H. Scott, Commissioners. Milton Stapp and Lucius H. Scott, Commissioners.
May 1, 1839,	78	1,000	250	
May 1, 1839,	416	1,000	250	
May 1, 1839,	418	1,000	250	
May 1, 1839,	419	1,000	250	
.....	.....	\$ 42,000	\$ 4,750	.....

Test,

D. R. ECKELS,

*Clerk of Committee of Ways and Means.*

[B.]

The following statements show the receipts and expenditures from November 1st, 1844, to October 31st, 1845, inclusive :

## RECEIPTS AT THE TREASURY.

At the close of the last fiscal year there was remaining  
 . in the treasury, provided all warrants up to that  
 date, had been paid, the sum of - - - - \$371,746 44

Since that date the following amounts have been received :

On account of revenue of 1845, the sum of	-	-	\$226 93
On account of revenue of 1844, the sum of	-	-	245,355 87
On account of revenue of 1843, the sum of	-	-	23,459 24
On account of revenue of 1842, the sum of	-	-	1,979 12
On account of revenue of 1841, the sum of	-	-	702 22
On account of revenue of 1840, the sum of	-	-	55 66
On account of revenue of 1839, the sum of	-	-	184 65
On account of five per cent. damages collected by treasurers, - - - - -	-	-	16 09
On account of sales of saline lands, (principal and interest,) - - - - -	-	-	2,916 42
On account of interest on loans of saline fund, -	-	-	2,014 96
On account of loans of saline fund refunded, -	-	-	1,112 00
On account of damages on sales of lands mortgaged to saline fund, - - - - -	-	-	66 86
On account of loans of university fund refunded, -	-	-	4,295 64
On account of interest on loans of university fund, -	-	-	3,947 27
On account of sales of lands of the university fund, (principal,) - - - - -	-	-	1,973 69
On account of sales of lands of the university fund, (interest,) - - - - -	-	-	973 72
On account of damages on sales of lands mortgaged to the university fund, - - - - -	-	-	209 40
On account of loans of bank tax fund refunded, -	-	-	568 38
On account of interest on loans of bank tax fund, -	-	-	773 26
On account of interest on loans of surplus revenue fund, - - - - -	-	-	272 58
On account of loans of surplus revenue fund refunded,	-	-	55 00
On account of damages on sales of lands mortgaged to the surplus revenue fund, - - - - -	-	-	20 88
On account of costs of advertising sales of lands mortgaged to the saline fund, - - - - -	-	-	31 50
On account of costs of advertising sales of lands mortgaged to university fund, - - - - -	-	-	75 75
On account of costs of advertising sales of lands mortgaged to surplus revenue fund, - - - - -	-	-	6 00



On account of costs of advertising sales of lands mortgaged to bank tax fund, - - - - -	8 00
On account of estates without known heirs, - - -	237 33
On account of loans of treasury fund refunded, - -	147 52
On account of interest on loans of treasury fund, -	56 62
On account of loans of congressional township fund, refunded, - - - - -	8 27
On account of interest on loans of congressional township fund, - - - - -	65 25
On account of principal of sales of Wabash and Erie canal lands, east of Tippecanoe, - - - -	106,794 66
On account of interest on sales of Wabash and Erie canal lands, east of Tippecanoe, - - - -	32,601 85
On account of miscellaneous receipts, Wabash and Erie canal, east of Tippecanoe, - - - -	117 76
On account of scrip issued for Wabash and Erie canal, east of Tippecanoe, - - - -	100,000 00
On account of tolls on Wabash and Erie canal, east of Tippecanoe, - - - -	70,639 78
On account of water rents on Wabash and Erie canal, east of Tippecanoe, - - - -	8,122 81
On account of penalties for violation of canal law, (Wabash and Erie canal,) - - - -	40 00
On account of incidental expenses of Wabash and Erie canal, west of Tippecanoe, refunded, - -	503 00
On account of sales of Wabash and Erie canal lands, west of Tippecanoe, - - - -	181,612 11
On account of scrip issued for Wabash and Erie canal, west of Tippecanoe, - - - -	100,000 00
On account of water rents on northern division of Central canal, - - - -	1,232 41
On account of Dillon's History of Indiana, - - -	44 00
On account of common school fund derived from bank (being five per cent. scrip paid in by the commissioners of the sinking fund,) - - - -	86,819 31
On account of Lawrenceburgh and Indianapolis railroad company, - - - -	55,129 11
On account of fees of Secretary of State, - - -	53 25
On account of suspended debt, - - - -	8,579 26
On account of compromise property, - - - -	14,769 00
On account of tolls on New Albany and Vincennes road, - - - -	5,564 51
On account of Morris Canal and Banking Company, - - -	6 174 86
<hr/>	
Total receipts from November 1, 1844, to October 31, 1845, - - - -	<u>\$1,504,160 20</u>

## EXPENDITURES.

Amount audited on account of probate judges, -	\$5,398 00
Amount audited on account of damages on sales of lands mortgaged to saline fund, - - - -	66 86
Amount audited on account of loans to university fund, - - - - -	6,220 00
Amount audited on account of interest on loans of university fund, - - - - -	21 53
Amount audited on account of damages of lands mortgaged to university fund, - - - -	165 29
Amount audited on account of saline fund distributed,	3,744 37
Amount audited on account of loans of bank tax fund,	800 00
Amount audited on account of bank tax fund distri- buted, - - - - -	1,006 31
Amount audited on account of surplus revenue fund, distributed, - - - - -	560 16
Amount audited on account of damages on sales of lands mortgaged to surplus revenue fund, - -	20 88
Amount audited on account of conveying convicts to State prison, - - - - -	2,195 19
Amount audited on account of three per cent. fund,	4,441 76
Amount audited on account of judges of Supreme and circuit courts, - - - - -	14,615 31
Amount audited on account of State House, - -	3,649 75
Amount audited on account of specific appropriations,	4,619 86
Amount audited on account of public printing, -	4,209 54
Amount audited on account of prosecuting attorneys,	1,860 93
Amount audited on account of Legislature, - -	24,998 27
Amount audited on account of State Library, -	472 57
Amount audited on account of President and Profes- sors of State University, - - - - -	4,000 00
Amount audited of militia, (salaries of adjutant and quartermaster generals,) - - - - -	200 00
Amount audited on account of stationery and fuel, -	2,156 71
Amount audited on account of salaries of executive officers, - - - - -	4,300 00
Amount audited on account of revenue of 1841 re- funded, - - - - -	36 00
Amount audited on account of revenue of 1843 re- funded, - - - - -	20 38
Amount audited on account of expenses of Universi- ty fund, - - - - -	16 50
Amount audited on account of estates without known heirs, - - - - -	168 40
Amount audited on account of congressional township fund distributed, - - - - -	127 73
Amount audited on account of new State Prison, -	9,100 00

Amount audited on account of Wabash and Erie canal east of Tippecanoe, - - - -	18,951 42
Amount audited on account of repairs on Wabash and Erie canal east of Tippecanoe, - - -	93,984 36
Amount audited on account of incidental expenses of Wabash and Erie canal east of Tippecanoe, - -	5,633 07
Amount audited on account of damages of Wabash and Erie canal east of Tippecanoe, - - -	810 95
Amount audited on account of purchase of land for use of water power, Wabash and Erie canal east of Tippecanoe, - - - - -	250 00
Amount audited on account of construction of Wabash and Erie canal west of Tippecanoe, - -	145,597 97
Amount audited on account of repairs of Wabash and Erie canal west of Tippecanoe, - - -	11,223 43
Amount audited on account of incidental expenses of Wabash and Erie canal west of Tippecanoe, -	7,744 76
Amount audited on account of sales of Wabash and Erie canal lands west of Tippecanoe refunded, -	62 42
Amount audited on account of Wabash and Erie canal scrip west of Tippecanoe, redeemed and cancelled, - - - - -	91,840 00
Amount audited on account of construction of Northern Division of Central canal, - - - -	657 82
Amount audited on account of repairs on Northern Division of Central canal, - - - -	1,858 14
Amount audited on account of purchase of land for use of water power, Northern Division of Central canal, - - - - -	1,052 00
Amount audited on account of payments by State Agent under joint resolutions, - - - -	4,628 10
Amount audited on account of incidental expenses of State bonds, - - - - -	250 00
Amount audited on account of contingent fund, -	1,232 70
Amount audited on account of Presidential Electors, -	597 03
Amount audited on account of five per cent. treasury notes redeemed and cancelled, - - - -	72,405 00
Amount audited on account of interest on five per cent. treasury notes redeemed and cancelled, -	4,673 51
Amount audited on account of construction of Madison and Indianapolis railroad, - - - -	45 00
Amount audited on account of incidental expenses of Erie and Michigan canal, - - - -	19 33
Amount audited on account of construction of Cross-cut canal, - - - - -	175 00
Amount audited on account of six per cent. treasury notes redeemed and cancelled, - - - -	114,540 00

Amount audited on account of interest on six per cent treasury notes redeemed and cancelled, - - -	22,659 90
Amount audited on account of compromise property, - - -	739 34
Amount audited on account of interest on State bonds, - - -	1,650 00
Amount audited on account of incidental expenses of the State Agent, - - - - -	8,129 43
Amount audited on account of construction of New Albany and Vincennes road, - - - - -	820 78
Amount audited on account of repairs on New Albany and Vincennes road, - - - - -	3,218 76
Amount audited on account of incidental expenses of New Albany and Vincennes road, - - - - -	1,535 75
Amount audited on account of Morris Canal and Banking Company, - - - - -	7,674 65
Amount audited on account of State bonds redeemed and cancelled, - - - - -	12,000 00
Amount audited on account of revenue of 1841 lost by fire, - - - - -	5,610 58
Amount audited on account of distribution of laws and journals, - - - - -	559 60
Amount audited on account of deaf and dumb asylum, - - - - -	2,797 87
Amount audited on account of wolf scalps, - - -	2 00
Amount audited on account of incidental expenses of Jeffersonville and Crawfordsville road, - - -	3 00
Amount audited on account of Governor's house, - - -	86 83
<hr/>	
Total amount audited from November 1st, 1844, to October 31st, 1845, - - - - -	\$744,982 80
<hr/>	
Total receipts as above, - - - - -	\$1,504,160 20
Total expenditures as above, - - - - -	744,982 80
<hr/>	
Balance in the treasury on the 1st day of November, 1845, provided all warrants issued prior to that date had then been paid, - - - - -	\$759,177 40
<hr/>	

## [ C ]

The following statements show the receipts and expenditures from November 1st, 1845, to January 1st, 1846 :

## RECEIPTS AT THE TREASURY.

On account of interest on loans of University fund, - - -	\$442 66
On account of loans of University fund, - - - - -	550 00

On account of damages on sales of lands mortgaged to the University fund, - - - -	9 34
On account of costs of advertising sales of lands mortgaged to University fund, - - - -	4 00
On account of sales of University lands, (principal,) - - - -	1,221 73
On account of interest on sales of University lands, - - - -	557 08
On account of interest on loans of saline fund, - - - -	447 30
On account of damages on sales of lands mortgaged to saline fund, - - - -	60 20
On account of costs of advertising sales of lands mortgaged to saline fund, - - - -	2 00
On account of loans of saline fund refunded, - - - -	287 75
On account of principal of sales of saline lands, - - - -	337 00
On account of tolls on Wabash and Erie canal east of Tippecanoe, - - - -	53,782 39
On account of water rents on Wabash and Erie canal east of Tippecanoe, - - - -	1,915 00
On account of interest on loans of bank tax fund, - - - -	198 78
On account of revenue of 1845 from bank, - - - -	1,092 37
On account of common school fund derived from sinking fund, - - - -	35,207 25
On account of revenue of 1839, - - - -	63 40
On account of sales of Wabash and Erie canal lands west of Tippecanoe, - - - -	36,100 00
On account of revenue of 1845, - - - -	4,349 03
On account of water rents on Central canal, - - - -	844 79
On account of suspended debt, - - - -	37,278 38
On account of interest on loans of treasury fund, - - - -	1 20
On account of revenue of 1842, - - - -	115 19
On account of interest on loans of surplus revenue fund, - - - -	35 75
On account of Lawrenceburgh and Indianapolis railroad company, - - - -	3,462 86
On account of Michigan road lands, - - - -	50 40
Total, - - - -	<u>\$178,395 85</u>

## EXPENDITURES.

Amount audited on account of judiciary, - - - -	\$2,225 00
Amount audited on account of State Prison, - - - -	361 50
Amount audited on account of militia, - - - -	25 00
Amount audited on account of probate judges, - - - -	565 00
Amount audited on account of revenue of 1841 refunded, - - - -	60 90
Amount audited on account of revenue of 1842 refunded, - - - -	61 31



Amount audited on account of damages on sales of lands mortgaged to University fund, - - -	53 45
Amount audited on account of damages on sales of lands mortgaged to saline fund, - - -	60 20
Amount audited on account of prosecuting attorneys, -	479 16
Amount audited on account of public printing, -	46 00
Amount audited on account of repairs on Central canal, - - - - -	501 41
Amount audited on account of salaries of professors of State University, - - - - -	750 00
Amount audited on account of new State Prison, -	2,400 00
Amount audited on account of incidental expenses of State Agent, - - - - -	2,487 45
Amount audited on account of suspended debt, -	2,069 74
Amount audited on account of payments under joint resolutions, - - - - -	3,470 41
Amount audited on account of loans of University fund, - - - - -	600 00
Amount audited on account of Legislative accounts, -	46 25
Amount audited on account of expenses of State University, - - - - -	15 50
Total, - - - - -	<u>\$16,278 28</u>
Receipts as above, - - - - -	\$178,395 85
Expenditures as above, - - - - -	16,278 28
Excess of receipts, - - - - -	<u>\$162,117 57</u>
Add balance on hand November 1st, 1845, - -	<u>759,177 40</u>
Amount in the treasury on the 1st of January, 1846, provided all warrants issued prior to that date were paid, - - - - -	<u><u>\$921,294 97</u></u>

Which was laid upon the table, and five hundred copies ordered to be printed.

#### BILLS OF THE HOUSE ON THIRD READING.

No. 434. A bill to provide for the payment of the expense of surveying and locating the Wabash and Ohio canal from Terre Haute to Evansville;

No. 482. An act amendatory of the school law ;

No. 454. An act to amend the estray law ;

No. 461. A bill to locate a State road from Greencastle, in Putnam county, to Covington, in Fountain county ;

No. 467. A bill prescribing a uniform mode by weight the quantity of lime that shall pass for a standard bushel in this State;

No. 441. A bill to incorporate the New Albany and Corydon turnpike company;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 459. A bill repealing section 9, of chapter 9, of article one, of the Revised code of 1843;

No. 291. A bill more fully defining the rights of landlord and tenant;

Were each read a third time, and laid on the table.

#### SENATE BILLS ON THIRD READING.

No. 6. A joint resolution on the subject of vacant lands in the State of Indiana;

No. 89. A bill in relation to the Wabash and Erie canal lands;

No. 223. A bill transferring the duties of the agent of the surplus revenue fund in Scott county, to the school commissioner of said county;

No. 235. A bill for the relief of Nancy Pickett of Switzerland county;

No. 25. An act relative to county treasurers;

No. 164. A bill for the relief of J. B. Creager of Knox county;

No. 199. An act to incorporate the Mt. Carmel Hall of Liberty, in Franklin county;

No. 170. An act to extend the Burlington and Lafayette State road;

No. 195. A bill in relation to certificates of Michigan road lands;

No. 238. An act to provide for the erection of a bridge across the Wabash and Erie canal;

No. 218. A bill for the relief of James Kappelcer and others;

No. 165. A bill to incorporate the Milford and Columbus railroad company;

No. 239. A bill to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same;

No. 240. A bill to provide for the collection of the county seminary fund of Harrison county;

Were each read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 14. An act to authorize the qualified voters of this State to vote for or against the calling of a convention for a revision of the constitution of this State;

No. 217. A bill for the relief of the legal representatives of Geo. W. Blasdel, deceased;

Were each read, and laid upon the table.

No. 471, (bill of the House.) A bill allowing the Secretary and Auditor of State a compensation for issuing canal patents;

Was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 113. An act to increase the common school fund ;

Was read a second time ;

Mr. Cookerly moved to lay said bill upon the table ;

On which motion,

Messrs. Moore and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Blackwell, Brumfield, Cameron, Carnan, Clements, Clymer, Conduit, Cookerly, Cornelius, Cox, Dole, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hinchman, Huff, Julian, Leyman, Meeker, Osborn of Laporte, Pennington, Porter, Robinson, Ruby, Smith, Stapp, Stewart, Thompson, and Watt—34.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Carr, Carter, Coon, Cruikshank, Davis, Dowling, Edwards, Ellis, Endecott, Fuller, Hazelrigg, Henry, Henton, Hill, Jackson, Kerr, Kimberlin, Lemmonds, Logan, Lowe, McCormack, McDonald, McRae, Mickle, Monroe, Mooney, Moore, Nelson, Osborn of Sullivan, Parker, Powers, Riley, Rippey, Seawright, Secrest, Shanks, Slater, Sleeth, Taber, Tedford, Turner, Vandever, Webb, Webber, Wiley, Wilson of Noble, and Wilson of Sullivan—50.

So said bill was not laid upon the table.

Pending further action,

The House adjourned until two o'clock, P. M.

*2 o'clock, P. M.*

The House met.

Mr. Webber asked leave to take from the files a certain petition ;  
Which was granted.

On motion by Mr. Pennington,

The following message from the Senate, by Mr. Gorman, their Secretary, was taken up :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the House, with amendments:

No. 362. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville ;

In which amendments of the Senate the concurrence of the House of Representatives is requested.

The amendment of the Senate to the bill in said message mentioned was,

On motion,

Concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Mickle,

*Resolved*, That this House will, the Senate concurring, proceed this evening at seven o'clock to the election of a superintendent of the Wabash and Erie canal.

Mr. Davis offered the following resolution :

*Resolved*, That this House will not grant leave of absence to any member of this House, (unless in case of sickness,) until the Speaker announce the House adjourned, *sine die*.

Which was,

On motion,

Laid on the table.

The Speaker laid before the House a communication of Mrs. D. L. Dix on the subject of the State prison ;

Which was,

On motion,

Laid upon the table without reading.

Senate bill,

No. 113. An act to increase the common school fund ;

Which was pending when the House adjourned, was again taken up ;

Mr. Osborn of Laporte moved to amend as follows :

Strike out from the enacting clause, and insert the following :

"That the right to issue and circulate bills of less denomination than five dollars is hereby extended to the State Bank of Indiana upon the same terms and conditions as heretofore granted and required by law."

On the adoption of which amendment,

Messrs. Coon and Hall of Gibson demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Brumfield, Cameron, Carnan, Clements, Coffin,

Conduit, Cookerly, Cornelius, Cox, Dole, Edwards, Ferguson, Ford, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Hill, Hinchman, Huff, Julian, Kerr, McRae, Meeker, Osborn of Laporte, Parker, Pennington, Porter, Rippey, Robinson, Ruby, Smith, Stanfield, Stapp, Stewart, Taber, Thompson, Tomlinson, and Wise—40.

*Those who voted in the negative are,*

Messrs. Arnold, Bowman, Carr, Coon, Cruikshank, Davis, Ellis, Endecott, Fuller, Henton, Jackson, Kimberlin, Lemmonds, Logan, Lowe, McCormack, McDonald, Mickle, Mooney, Moore, Nelson, Nofsinger, Osborn of Sullivan, Powers, Seawright, Secrest, Shanks, Slater, Sleeth, Tedford, Turner, Vandever, Watt, Webber, Wiley, Wilson of Sullivan, and Mr. Speaker—38.

So said amendment was adopted.

Mr. Stanfield offered the following amendment:

SEC. —. No branch of said bank shall transact any business requiring any order of its board, unless there be a full quorum of such board present; and orders and proceedings of said board shall be entered on the proper books, kept for that purpose, on the same day such orders and proceeding are had, and the same shall be signed by each director present.

SEC. —. No president, cashier, or other officer of any branch of said bank shall, in any way, directly or indirectly, check out, or in any way procure or obtain any moneys belonging to any branch of said bank, unless the specific amount shall be appropriated by the order of the board of directors, by a full vote of a quorum of the members of such board, and such order of appropriation shall be entered at full length on the journals of said board.

SEC. —. No cashier of any branch of said bank shall be a stockholder or director in the branch of which he is the cashier, nor shall he have any interest therein that will in any way disqualify him from being sworn as a disinterested witness in any court, in any matter or proceeding in which any interest or right of such branch may come in controversy.

SEC. —. No person shall be eligible to the office of director or president of any branch of said bank who shall be indebted to said bank or any of its branches, either directly or indirectly, for the purchase money for which his stock, or any part thereof, was purchased.

SEC. —. Any officer or director of any branch of said bank violating the provisions of either of the five last preceding sections of this act shall, upon conviction thereof, upon indictment in the proper circuit court, be fined in any sum not exceeding five hundred dollars, and be rendered incapable of holding any office or appointment of either trust or profit in any branch of said bank.

Mr. Mickle moved to lay the bill and amendments on the table.



On which motion,  
Messrs. McDonald and Mickle demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Bowman, Carr, Carnan, Clements, Cookerly, Coon, Cornelius, Cox, Cruikshank, Davis, Dole, Edwards, Hall of Gibson, Hall of Warren, Hazelrigg, Henry, Hill, Hinchman, Huff, Kerr, Lowe, Meeker, Mickle, Monroe, Moore, Nelson, Osborn of Sullivan, Parker, Pennington, Porter, Ruby, Seawright, Secrest, Shanks, Sleeth, Stapp, Tedford, Tomlinson, Turner, Vandever, Webb, Webber, Wilson, of Sullivan, Wise, and Mr. Speaker—45.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Brumfield, Cameron, Coffin, Conduit, Ellis, Endecott, Ferguson, Ford, Harvey, Henton, Jackson, Julian, Kimberlin, Lemmonds, Logan, McDonald, McRae, Mooney, Osborn of Laporte, Powers, Rippey, Robinson, Slater, Smith, Stanfield, Taber, Wiley, and Wilson of Noble—39.

So said motion prevailed.

Mr. Thompson offered the following joint resolution:

No. 494. A joint resolution on the subject of the Wabash and Erie canal lands from Terre Haute to Evansville;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS.

No. 226. An act amendatory of an act entitled "An act in relation to the appointment of county commissioners of the several counties therein named;

No. 249. An act for the relief of Theodore K., Ann Maria, and Charlotte Brackenridge, heirs of George W. Brackenridge, deceased;

No. 260. An act in relation to damages on sinking fund sales;

No. 265. An act for the relief of Adam Fireball;

No. 246. An act for the relief of the owners of certain canal lands;

No. 160. An act for the relief of John C. Parker;

No. 227. An act defining the duties of county auditors and school commissioners;

No. 259. A bill to legalize certain sales therein named;

Were each read a second and third times and passed;

*Ordered*, That the Clerk inform the Senate thereof.

## HOUSE BILLS.

No. 488. A joint resolution relative to the naturalization law:

No. 476. A bill to dissolve the bonds of matrimony between Rawley McKay and Sarah McKay;

No. 489. An act in relation to the five per centum damages on selling lands forfeited to the sinking fund;

No. 470.

Were each read a second and third times, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 261. (Of Senate) An act to divorce Maria Heritage, late Maria Miller;

Which was amended as follows:

"That the bonds of matrimony existing between Henry Vest and Nancy Vest, his wife, be and the same are hereby dissolved; and the said Nancy Vest shall have the control and management of her infant children."

No. 263. (Senate) An act to amend an act entitled "An act relative to licensing groceries in the counties of Carroll and Cass," approved January 31, 1842;

Which was read, and laid upon the table.

Mr. Thompson, from a committee of free conference, made the following report:

MR. SPEAKER:

The committee of free conference, to whom was referred a bill of the House, entitled "A bill to provide for the reappraisement of real estate heretofore appraised and subject to taxation," instructing the committee to take into consideration the amendments made to the bill by the Senate, to which the House refused to concur, and from which the Senate refused to recede, have met in committee the Senators appointed upon the part of the Senate; the joint committee cannot agree, and we now report that fact to the House, and ask to be discharged from the further consideration of the subject.

The committee was accordingly discharged.

The following message was received from his Excellency, the Governor, by J. B. Powers, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed:—

No. 471. An act giving the Auditor and Secretary of State a compensation for issuing canal land patents;

Which originated in the House of Representatives.

Mr. Webber moved to take from the table,

No. 462. An act in relation to the west line of the county of Marion;

Which did not prevail.

On motion by Mr. Ford,

No. 259. A bill to subdivide certain school lands in the counties of Randolph and Delaware, belonging to congressional township No. 8, in Monroe county;

Was taken up and read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The rules being suspended, Mr. Dowling from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the Senate No. 33, entitled "An act repealing an act making canal scrip receivable for tolls and water rents on the Wabash and Erie canal, approved February 8, 1844," have had the same under consideration, and have directed me to report the same back to the House, with two amendments, and recommend its passage.

Which amendments were adopted, and said bill as amended, was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The rules being suspended, Mr. Logan made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a bill of the House No. 477, have had that subject under consideration, and directed me to report the same back to the House and recommend its passage; and said committee ask to be discharged from the further consideration of the subject.

No. 477. A bill for the relief of E. F. Lucas.

Mr. Cookerly moved to strike out the second section,

Which prevailed.

The bill was then read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Taber,

No. 82. A bill in relation to the Wabash and Erie canal;

Was taken from the table.

To which bill Mr. Taber offered an amendment, when,

On motion by Mr. McDonald,

Said bill was laid upon the table.

The rules being suspended, Mr. Mickle from the committee on lands, &c., made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred sundry petitions of the citizens of Huntington, Wells, Jay, and Adams counties, praying for the incorporation of a company to make a slack water navigation or canal from Huntington, in the county of Huntington, to the State line, in the direction of the reservoir, in Mercer county, Ohio; also, to institute or enquire of the proper authorities of Ohio, whether that State would unite with this State in the incorporation of a company to make a canal and slack water, as above mentioned; also, to enquire as to the probability of getting a supply of water from the said reservoir, have had the several subjects mentioned in said memorials under consideration, and directed me to report, that in relation to the enquiries requested to be made in said petition, a joint resolution has already passed, making it the duty of the Governor to make said enquiry; and further, owing to the lateness of the session, at which said petitions were received, the committee have not had time to mature a bill at this late hour of the session; they therefore, earnestly recommend this useful and important subject to the early attention of the next legislature, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Hazelrigg from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to whom was referred bill of the Senate No. 187, entitled "An act to amend the 15th chapter of the Revised Statutes, and to repeal certain sections of said chapter, have had that subject under consideration, and directed me to report the bill back to the House, with a recommendation that it be indefinitely postponed, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. McDonald from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a bill of the Senate, entitled an act to repeal an act entitled "An act authorizing the election of certain officers in the town of Indianapolis," approv-

ed January 15th, 1844, and reviving the old law, have directed me to report the same back and recommend its passage, &c.

Which was concurred in.

And said bill was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Secrest moved to take up from the table,

No. 264. A bill in relation to the canal scrip, issued for the construction of the Wabash and Erie canal, west of Lafayette.

Mr. Secrest moved to strike out all in the first section of the bill after the word *per annum*.

Mr. Moore moved to indefinitely postpone the bill, and in this, Messrs. Moore and McDonald demanded the ayes and noes.

And there not being a quorum voting,

Mr. Clements moved a call of the House,

Which was seconded,

And Mr. Wilson of Marion excused attendance,

And the call suspended.

The question being,

"Shall the amendment of Mr. Secrest be adopted?"

It was decided in the affirmative.

And the bill being read a third time, on the question of its passage,

Messrs. Moore and McDonald demanded the ayes and noes,

And there not being a quorum present,

The acting Speaker adjourned the House, until half past six o'clock, P. M.

*Half past six o'clock, P. M.*

The House met.

Mr. Osborne of Laporte,

Moved a call of the House,

Which was seconded,

And Mr. Jones excused attendance on the account of sickness.

The further call was then suspended.

Mr. Moore from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims to whom was referred a bill of this House for the relief of Martin Fitzpatrick, of Daviess county, have



had that subject under consideration, and have directed me to report the bill back to the House and recommend it to be laid on the table, and ask to be discharged from the further consideration thereof.

Which was concurred in.

And said bill laid on the table.

Mr. Dole by consent, introduced bill,

No. 495. An act amendatory of an act, providing for an additional place of holding elections in Vermillion county;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Taber made the following report:

MR. SPEAKER:

The committee on the affairs of the town of Indianapolis, to whom was referred bill of the Senate No. 213, have had the same under consideration, and a majority of them have instructed me to report the bill back without amendment, and recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hall of Gibson made the following report:

MR. SPEAKER:

The committee of free conference appointed on the part of this House to act with a similar committee on the part of the Senate to take into consideration the difference between the two Houses in relation to the bill of the House No. 73, entitled "A bill to provide for the re-appraisement of real estate heretofore appraised and subject to taxation," report that they have agreed to the amendment made by the Senate to the bill of the House, with the following amendments, to wit:

Amend by adding to the fifth amendment of the Senate bill immediately after Knox, the word "Boone," and striking out from said fifth amendment the word "Starke."

Also, further amend the bill by adding the following section:

Sec. —. It is hereby made the duty of the several county auditors in this State to make out and deliver to such appraiser on demand a list of all taxable lands situate within their respective counties on or before the tenth day of March, 1846, together with the name or names of the owners thereof.

Which were concurred in.

On motion by Mr. Secrest,

No. 495. A bill making specific appropriations for the year 1846,  
 Was taken up, amended by making several additions, the rules  
 being suspended, and read a third time ;  
 And on the question of its passage,  
 Messrs. Moore and Vandever demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Cameron, Carr, Carnan, Carter, Clements, Cookerly, Cox, Davis, Dole, Dowling, Edwards, Ellis, Ferguson, Ford, Fuller, Henton, Hill, Kerr, Lemmonds, Lowe, McDonald, Mickle, Monroe, Mooney, Nofsinger, Parker, Porter, Robinson, Rousseau, Ruby, Seawright, Secrest, Slater, Stanfield, Stapp, Thompson, Vandever, Watt, Webber, and Mr. Speaker—43.

*Those who voted in the negative are,*

Messrs. Arnold, Coffin, Cookerly, Coon, Cornelius, Cruikshank, Hall of Gibson, Hazelrigg, Henry, Hinchman, Huff, Jackson, Kimberlin, Logan, McRae, Meeker, Moore, Osborn of Laporte, Osborn of Sullivan, Pennington, Riley, Rippey, Sleeth, Smith, Stewart, Taber, Tedford, Tomlinson, Turner, Wiley, Wilson of Noble, Wilson of Sullivan, and Wise—32.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Rousseau, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred a bill of the Senate, No. 62. An act to amend the laws now in force in this State regulating the duties of executors, administrators and guardians, have had that subject under consideration, and have directed me to report the same back to the House, without amendment, and respectfully recommend its passage.

Said bill was,

On motion,

Laid upon the table.

Mr. Riley, from a select committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred bill of the House No —, together with amendments and instructions, have had

the same under consideration, and directed me to report it back to the House, with the following amendment, which is a new bill:

Said amendments were adopted ;

And the bill was read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Tedford, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared the following with the engrossed, and find them correctly enrolled :

No. 402. An act for the relief of Rufus A. Lockwood ;

No. 403. An act to vacate a part of a State road in Bartholomew county ;

No. 314. An act to subject certain lands to taxation ;

No. 393. A bill for the divorce of Robert Hemphill of Monroe county ;

No. 338. An act to amend an act entitled " An act to establish a free turnpike road in Jay county, approved January 13, 1845 ;

No. 410. A bill to authorize a re-survey of section 16, in township 3 south, of range 5 east, in Harrison county ;

No. 272. An act to extend an act, to provide for the transfer of the surplus revenue fund, &c., approved February 11, 1843.

No. 471. An act allowing the Secretary and Auditor of State a compensation for issuing canal land patents ;

No. 428. A bill for the relief of Mary Ann Bruner ;

No. 347. An act to amend the law regulating the duties of supervisors of roads ;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Harvey, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills and joint resolutions of the House, and find the same correctly enrolled :

No. 448. An act to provide for doing county business in the county of Clay ;

No. 450. A joint resolution in relation to a State road from the St. Mary's river, on the State line, to the Wabash and Erie canal ;

No. 401. An act to amend the 7th chapter and the 74th section of the Revised Statutes of 1843 ;

No. 293. An act to authorize Nicholas McCarty to build a mill dam across White river, in Marion county ;

No. 452. An act fixing the time of holding the courts in the ninth judicial circuit ;

No. 438. A joint resolution relating to the signers of our declaration of independence ;

No. 395. An act to provide for the payment of the members and officers of the General Assembly ;

No. 417. An act to extend the time of holding probate courts in the counties of Parke and Posey ;

No. 449. An act for the relief of the owners of wet lands in Allen county ;

No. 411. An act relative to State roads in St. Joseph, Elkhart and Laporte counties ;

No. 345. An act to authorize the commissioners of Carroll county, to make a certain appropriation therein named ;

No. 355. An act to vacate a part of the town of Independence, in St. Joseph county ;

No. 283. An act to allow the commissioners of the Wabash and Erie canal to employ an engineer, and for other purposes ;

No. 225. An act to incorporate the Hoosier band of Greenfield ;

No. 252. An act for the relief of certain purchasers of school lands in Lost Creek township, Vigo county ;

No. 465. An act to furnish Tipton county with the Revised Statutes of 1838 ;

No. 461. An act to vacate a part of the town of South Bend, in St. Joseph county ;

No. 197. An act for the relief of the heirs of Michael Ross, deceased ;

No. 464. An act to amend an act entitled "An act to incorporate the Laporte University," approved January 20, 1842 ;

No. 231. An act for the relief of Benjamin Powell and the heirs of Harrison Barnett, deceased ;

No. 429. An act to repeal an act entitled "An act in relation to the appointment of county commissioners of the several counties in this State, to act as a board of library trustees in their respective counties, and for other purposes," approved January 6, 1845, so far as the county of Posey is concerned ;

No. 172. An act to incorporate the Union medical society of northern Indiana ;

No. 437. A joint resolution providing for the publication of General Washington's farewell address with the Governor's message ;

No. 458. An act authorizing a settlement with Spears and Case for work done on the sidecut at Delphi, in Carroll county ;

No. 358. An act relative to the fees of auditor of Monroe county ;

No. 158. An act to relocate part of the State road from Williamsport to Newtown ;

No. 443. An act to locate a State road therein named ;

No. 363. An act declaring a road therein named a State road ;

No. 359. An act to incorporate the Philomathean Society of the Indiana University ;

No. 339. An act to repeal part of the eighteenth section of article third, of chapter five, of the Revised Statutes of 1843, and to authorize the county commissioners to grant additional precinct in any township upon application of the voters ;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Leave being granted,

On motion by Mr. Carr,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives for the purpose of electing a general superintendent on the Wabash and Erie canal, and the Central canal ; and that seats be provided for them on the right of the Speaker's chair.

*Ordered*, That the Clerk inform the Senate thereof.

Whereupon the Senate came into the Hall of the House of Representatives, and took their seat on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, and both Houses jointly proceeded by ballot, to the election of a superintendent of the Wabash and Erie canal.

When on counting the votes cast on the first ballot, it appeared that,

James Bradley, received,	-	-	-	-	10 votes.
Stearnes Fisher, received,	-	-	-	-	56 votes.
Ebenezer F. Lucas, received,	-	-	-	-	51 votes.
Scattering,	-	-	-	-	6 votes.

No person having received a majority of all the votes given, the convention proceeded to a second balloting, when,

Stearnes Fisher, received,	-	-	-	-	66 votes.
James Bradley, received,	-	-	-	-	2 votes.
E. F. Lucas, received,	-	-	-	-	52 votes.
Scattering,	-	-	-	-	1 vote.

Stearnes Fisher having received a majority of all the votes given, was by the President declared duly elected superintendent of the Wabash and Erie canal, for the term of two years from and after the expiration of the term of service of the present incumbent.

There having arisen some doubts about the legality of the manner of election, whether by joint ballot or viva voce, the convention then unanimously proceeded to the election of a superintendent on the Central canal, by viva voce voting.



*Those who voted for Basil Brown, are,*

Messrs. Akin, Allison, Barbour, Bowers, Buel, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppey, Davis, Edmonson, Ellis, English, Goodenow, Handy, Hardin, Herriman, Holloway, Howell, Jackson, Lane, Miller, Montgomery, Moore, Morgan of Decatur, Murphey, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbrike, Winchell, Zenor, Arnold, Baker, Bowman, Carr, Carnan, Carter, Clements, Cornelius, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Huff, Jackson, Julian, Kimberlin, Lemmonds, Logan, McCormack, McDonald, McRae, Mickle, Monroe, Mooney, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Powers, Rippey, Robinson, Ruby, Secrest, Slater, Sleeth, Smith, Stanfield, Stapp, Stewart, Taber, Tedford, Thompson, Tomlinson, Turner, Vandever, Watt, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—91.

*Those who voted for John Thompson, are,*

Messrs. Berry of Monroe, Hamer, Hamrick, Orth, Parks, Brumfield, Cookerly, Ferguson, Henton, Hill, Lowe, Moore, and Wise—13.

*Those who voted for Mr. Cox, are,*

Messrs. Morgan of Rush, Hinchman, Kerr, and Meeker—4.

Basil Brown having received a majority of all the votes given, was by the President of the convention declared duly elected superintendent of the Central canal, to serve as such for the term of two years, from and after the expiration of his present term of service.

The President then adjourned the convention, sine die.

And the Senate retired to their chamber.

The House then resumed the consideration of the bill,

No. 264. A bill in relation to the canal scrip issued for the construction of the Wabash and Erie canal, west of Lafayette.

When Mr. Hall of Gibson,

Moved a call of the House,

Which was seconded,

And Messrs. Clymer, Endecott, Leyman, and Rousseau, were excused attendance.

The further call was then suspended,

And the question before the House being,

“Shall the bill No. 264, pass?”

Messrs. Moore and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Baker, Bowman, Brumfield, Carr, Carnan, Clements, Cockerly, Cornelius, Cox, Cruikshank, Dole, Dowling, Edwards, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Hinchman, Kerr, Lemmonds, Logan, McRae, Meeker, Monroe, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Robinson, Ruby, Seawright, Secrest, Slater, Stanfield, Stapp, Taber, Tedford, Tomlinson, Watt, and Wilson of Sullivan—44.

*Those who voted in the negative are,*

Messrs. Arnold, Coffin, Davis, Ellis, Ferguson, Henry, Henton, Hill, Jackson, Kimberlin, Lowe, Mickle, Moore, Powers, Rippey, Sleeth, Smith, Thompson, Turner, Vandever, Webber, Wiley,<sup>1</sup> and Mr. Speaker—23.

So said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Hazelrigg,

A joint resolution which had been laid on the table in regard to rescinding the 17th joint rule of both Houses, was taken up and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives with amendments:

No. 485. A bill to provide for the payment of the expenses of selecting and classifying the lands granted by Congress for the completion of the Wabash and Erie canal, from Terre Haute to Evansville;

No. 434. A bill to provide for the payment of the expenses of surveying and locating the Wabash and Ohio canal from Terre Haute to Evansville.

In which engrossed amendments of the Senate, the concurrence of the House of Representatives is respectfully requested.

Which amendments to the bills mentioned, were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 267. An act to authorize the superintendent of the Wabash and Erie canal, to pay such equitable claims as counties and individuals may have for surveying and locating the canal from Tippecanoe to Terre Haute.

In which the concurrence of the House of Representatives, is respectfully requested.

No. 267, in said message mentioned, was read a first and second times, the rules being suspended, and

On motion by Mr. Secrest,

Was amended as follows;

“Strike out all that occurs after the word Tippecanoe, in the 10th line of section one.

Said bill was then ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the following engrossed amendments of the House of Representatives, to the following engrossed bills of the Senate:

No. 109. An act in relation to county auditors;

No. 13. A joint resolution establishing the per diem allowance of the probate and associate judges of Tippecanoe county;

No. 200. An act authorizing the erection of suitable buildings for the use of the lunatic asylum;

No. 89. An act in relation to the Wabash and Erie canal lands.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have receded from their engrossed amendments to bill of the House of Representatives;

No. 365. A bill amendatory of the several acts relative to the New Albany and Vincennes road.

And also that the Senate have concurred in the engrossed amendment of the House of Representatives, to the engrossed amendment of the Senate to bill of the House of Representatives,

No. 460. An act to incorporate the Madison and Napoleon turn-pike company.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the engrossed amendments of the House of Representatives to engrossed bill of the Senate:

No. 33. An repealing an act making canal scrip receivable for tolls and water rents on the Wabash and Erie canal, approved February 8th, 1843.

Also, the following message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 179. An act to amend the 109th section of the 16th chapter of the Revised Laws of 1843, on the subject of road tax;

No. 244. An act to appoint commissioners to assess damages done by State agents and canal contractors to the lands of Jesse L. Watson of Tippecanoe county;

No. 266. An act to provide for the support of paupers in Allen county;

In which the concurrence of the House of Representatives is respectfully requested.

Bills No. 179 and 266 in said message mentioned,

Were each read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 244, in said message mentioned,

Was read a first and second times, the rules being suspended, and ordered to a third reading.

Also, the following message of the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, with amendments:

No. 245. An act relative to tax titles;

No. 334. An act to incorporate the Lawrenceburgh and Rushville turnpike company;

In which engrossed amendments of the Senate the concurrence of the House of Representatives is respectfully requested.

The amendments to the bills in said message mentioned, were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Also, the following message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their engrossed amendments to bill of the House of Representatives :

No. 250. An act to incorporate the Ohio and Indianapolis railroad company.

The House insisting on their disagreement to the amendments of the Senate above referred to,

The Speaker appointed Messrs. Ferguson and Secrest as a committee of conference on the part of the House.

*Ordered*, That the Clerk inform the Senate thereof.

Also, the following message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the engrossed amendments of the House of Representatives to bill of the Senate :

No. 261. An act to divorce Maria Heritage, late Maria Miller, from her husband Joseph Heritage, late of the county of Vigo.

And that the Senate have refused to concur in the engrossed amendments of the House of Representatives to bill of the Senate :

No. 174. An act to provide for the appointment of township assessors in the counties of Monroe and Morgan.

The House receded from the amendments of the Senate to No. 174, in the said message mentioned.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have appointed a second committee of free conference on bill of the House No. 73, in relation to the reappraisement of real estate in the State of Indiana, and Messrs Reyburn and Pomeroy are appointed that committee.

Whereupon the House again appointed a committee of free con-



ference consisting of Messrs. Hall of Gibson and Baker to meet a like committee on the part of the Senate.

*Ordered*; That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have reciprocated the resolution of the House to go into the election of Superintendent of the Wabash and Erie canal and agent of the Central canal at seven o'clock.

Also, that the Senate concurred in the amendments made by the committee of free conference on bill of the Senate No. 73, in relation to the reappraisalment of real estate, and agreed to said report.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 206. An act in relation to the repairing of the College building;

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read a first and second times, the rules being suspended, and,

On motion,

Was laid upon the table.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I have been directed to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, without amendment:

No. 471. An act allowing the Secretary and Auditor of State a compensation for issuing canal land patents.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, without amendment:

No. 456. An act to amend an act incorporating the Indiana Mutual Fire Insurance company, approved January 30, 1837;

No. 475. An act to provide for the appointment of township assessors in the county of Tipton, and defining their duties;

No. 469. An act extending the time of holding courts in the sixth judicial circuit;

No. 453. An act providing for the safety of the mortgages to the trust fund;

No. 391. An act relative to the third judicial circuit;

No. 298. An act for the relief of Elizabeth Preston;

No. 474. An act for the relief of Andrew Richardson;

No. 361. An act in relation to State and county revenue;

No. 384. An act authorizing the commissioners of Henry county to reduce the width of county roads;

No. 394. An act making general appropriations for the year 1846;

No. 140. An act to provide for taking the sense of the qualified voters of this State on the calling a convention to alter, revise or amend the constitution of this State;

No. 376. A joint resolution transferring a certain book from the State library to the library of the State University;

No. 413. An act for the relief of John Davis of Orange county;

No. 479. An act empowering Rachael Blair, executrix of Enos Blair, deceased, formerly collector of Monroe county, to collect arrearages of taxes;

No. 478. An act declaring a county road running through a part of the counties of Clay and Putnam, a State road;

No. 486. An act to revive and continue certain provisions of an act entitled "An act to incorporate the Hagerstown and Winchester turnpike company," approved February 18, 1839;

No. 405. An act to define the channel of Turtle creek, in Sullivan county;

No. 473. An act to amend an act therein named;

No. 340. An act authorizing the superintendent of the Wabash and Erie canal to employ an engineer;

No. 468. An act explanatory of an act therein named;

Mr. Tedford made the following report:

**MR. SPEAKER:**

The committee on enrolled bills have compared the following with the engrossed and find them correctly enrolled:

No. 387. An act legalizing the election and official acts of William H. Parmalee, Probate Judge of Wells county;

No. 400. An act to authorize the auditor of Madison county to sell the sixteenth section;

No. 418. An act for the relief of the widow of Thomas Murphy, deceased, of Brookville, in the county of Franklin;

No. 351. An act to authorize Samuel J. Hoge to construct a mill dam across the Tippecanoe river, in Fulton county;

- No. 431. An act to legalize the acts of Daniel B. Reamane;  
 No. 439. An act relative to the change of a State road in Boone county;  
 No. 427. An act for the relief of Henry Mansel and the widow and children of John Read, deceased;  
 No. 430. An act to legalize the proceedings of the board of trustees of the town of Rising Sun, in Ohio county;  
 No. 440. An act to amend the road law in Tipton county;  
 No. 385. An act to establish an additional election precinct in Union township, Perry county;  
 No. 463. An act to locate a State road therein named;  
 No. —. An act to amend an act entitled "An act to provide for the continuation of the construction of all or any part of the public works by private companies, and for abolishing the board of internal improvement and the offices of Fund Commissioner and Engineer," approved January 28th, 1842;  
 No. 366. A bill to locate a State road in the county of Bartholomew;  
 No. 388. An act to legalize the assignment of certificates to certain school lands in this State;  
 No. 270. An act to assess a school tax in the counties of Adams and Jay;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

#### BILLS OF THE HOUSE.

- No. 284. An act to incorporate the Madison Fire Insurance company;  
 No. 398. An act to amend an act entitled "An act to incorporate the Terre Haute draw bridge company," approved January 13, 1845;  
 No. 399. An act to incorporate the Milton and Lewisville turnpike road company;  
 No. 406. An act to incorporate the Fort Wayne and Cambridge City railroad company;  
 Were each read a second and third times, the rules being suspended, and passed.  
*Ordered*, That the Clerk inform the Senate thereof.  
 No. 491. A bill to authorize the school commissioner of Hendricks county to refund certain moneys to Byron Murray;  
 Was read a second time; and,  
 On motion,  
 Was laid upon the table.  
 No. 416. A bill to incorporate the northern central canal company;

Was read a second time; and,  
 On motion,  
 Was laid upon the table.  
 Mr. Parker made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition signed by sundry citizens of Allen county praying for a free turnpike road in said county, have had the same under consideration, and directed me to report the following bill and recommend its passage, and your committee would ask to be discharged from the further consideration thereof.

No. 495. An act to establish a free turnpike road in Allen county; Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Carr made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition and remonstrance from sundry citizens of Steuben county on the subject of granting license to retail spiritous liquors in said county, have had the subject matter of said petition and remonstrance under consideration, and have directed me to report that, in the opinion of your committee, the majority in all republican governments should rule; and as there are more signers to the remonstrance than there are to the petition, therefore would recommend that the petition and remonstrance be laid upon the table, and the committee be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Watt made the following report :

MR. SPEAKER :

The select committee to whom was referred a bill of the Senate, No. 71, entitled "An act to amend an act entitled An act abolishing the office of county auditor in certain counties therein named," approved January 15th, 1844, have had that subject under consideration, and a moiety of said committee have directed me to report the same back to the House, without amendment, and respectfully recommend the passage of the bill—Meeker and Ruby dissenting.

Said bill, No. 71, was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

And,

On motion,

The House adjourned until Monday morning, at 9 o'clock.

## MONDAY MORNING, JANUARY 19, 1846.

The House met pursuant to adjournment.

Bill of the Senate, No. 193, for the relief of V. & J. King and others,

Was read a third time ;

Mr. Thompson moved to indefinitely postpone the bill.

On which motion,

Messrs. Thompson and Vandever demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Arnold, Brumfield, Carr, Clymer, Coffin, Conduit, Coon, Cruikshank, Edwards, Ellis, Ford, Hazelrigg, Henton, Hinchman, Jackson, Kimberlin, Meeker, Mickle, Mooney, Moore, Nelson, Osborn of Sullivan, Pennington, Porter, Powers, Riley, Robinson, Ruby, Secrest, Slater, Sleeth, Tedford, Thompson, Turner, Vandever, Watt, Webb, Webber, Wiley, Wilson of Marion, Wilson of Noble, and Wilson of Sullivan—42.

*Those who voted in the negative are,*

Messrs. Baker, Carnan, Carter, Clements, Cookerly, Cornelius, Dole, Dowling, Ferguson, Hall of Gibson, Hall of Warren, Harvey, Henry, Hill, Kerr, Lemmonds, Lowe, McCormack, Nofsinger, Osborn of Laporte, Parker, Rippey, Smith, Stanfield, Stapp, Taber, Tomlinson, Wise, and Mr. Speaker—29.

So said motion prevailed.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have appointed Messrs. Edmonson and Ellis



a committee of free conference on the part of the Senate on bill of the House,

No. 250. An act to incorporate the Ohio and Indianapolis railroad company ;

A message from the Senate, by Mr. Gorman, their Secretary ;

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, without amendment :

No. 477. A bill for the relief of E. F. Lucas ;

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House of Representatives, without amendment :

No. 481. An act to raise a revenue for the year 1846.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House of Representatives, without amendment :

No. 446. An act to incorporate the Hagerstown and New Castle turnpike company.

Also,

No. 377. A joint resolution for the reduction of the price of public lands to actual settlers.

No. 179. A joint resolution on the subject of the reduction of the price of public lands.

Senate bill,

No. 244. An act to appoint commissioners to assess damages done by the State agents and canal contractors to the lands of Jesse L. Watson, of Tippecanoe county ;

Was read a third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary :

Mr. Osborn of Laporte made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 324, with instructions to extend the benefits of appraisement to personal property, the same as real estate, have had the same under consideration, and according to said instructions, made the following amendment: strike out the third section, and after the word "estate," in the third line of the first section insert the words "and personal property," and recommend that said amendments be not adopted, and said committee ask to be discharged from the further consideration thereof.

Which was concurred in ;

And said bill, No. 324,

Was laid upon the table.

Mr. Logan made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House No. 435, entitled "A bill to provide for the payment of damages assessed on the Wabash and Erie canal west of Tippecanoe, in par funds," have had the same under consideration, and directed me to report the same back to the House, and recommend that it be laid upon the table.

Which was concurred in.

Mr. Ford made the following report :

MR. SPEAKER :

The select committee to whom was referred bill of the House No. 480, have had the subject under consideration, and have directed me to report the bill to the House, and on account of the shortness of the remaining time of the session and the press of business, ask that it be laid upon the table.

Mr. Logan made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the Senate No. 250, entitled "A bill to authorize the purchase of lands in Huntington county," have had the same under consideration, and directed me to report the same back to the House, and recommend that it be laid upon the table.

Which was concurred in.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the petition of George W. Branham, asking certain relief, have had the same under consideration, and no evidence being offered in support of the claim, the committee recommend that it be laid upon the table, and filed amongst the legislative papers of the present session.

Which was concurred in.

Mr. Nofsinger made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred House bill No. 421, have had the same under consideration, and directed me to report the bill back, and recommend that it lie on the table, and ask to be discharged from the further consideration of that subject.

Which was concurred in.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of the House, asking the committee to "enquire into the expediency of reporting a bill restricting the allowing of interest upon the scrip hereafter to issue upon the Wabash and Erie canal east of Tippecanoe," have had the same under consideration, and directed me to say that, in its opinion, legislation is inexpedient, and ask to be discharged from the further consideration of that subject.

Which was concurred in.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House No. 128, entitled "An act to repeal the first section of an act amendatory of an act for the completion of the Wabash and Erie canal from the mouth of the Tippecanoe river to Terre Haute," approved February 8, 1843; and bill of the House No. 224, entitled "A bill to repeal a part of a certain act therein named," have had the same under consideration, and have

directed me to report the same back to the House, (a bill having already passed this Legislature for the objects named,) recommend that they be laid upon the table.

Which was concurred in.

Mr. Dowling made the following report:

MR. SPEAKER:

The select committee to which was referred the memorial of the New York Savings Bank (enclosed in a message from the Governor) asking relief, by the payment of interest on the outstanding bonds of the State, have had the same under consideration, and the committee deeming the law already passed by the present Legislature as meeting the wishes of the petitioners, have directed me to return said message and memorial to the House, to be filed amongst the legislative papers of the session, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

On motion by Mr. Taber,

Senate bill No. 241, for the relief of Henry Chase,

Was taken up, when,

Mr. Smith proposed an amendment, and there being no quorum, the amendment was withdrawn; also the said bill.

On motion by Mr. Osborn of Laporte,

No. 85. An act declaratory of an act entitled "An act authorizing the commissioner of the Wabash and Erie canal east and west of Tippecanoe to sell lands in tracts of forty acres or quarter quarter sections," approved February 13, 1843;

Was taken up,

Mr. Osborn of Laporte moved an amendment,

Which was adopted.

The bill was then read a second and third times, the rules being suspended and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The following message was received from His Excellency, the Governor, by J. B. Powers, his private Secretary:

MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the House of Representatives, that he has approved and signed;

No. 86. An act to authorize the trustees of the Vincennes University to bring suit against the State of Indiana, and for other purposes;

Which originated in the House of Representatives.

Mr. Ferguson made the following report:

MR. SPEAKER:

The committee of free conference appointed to take into consideration with a similar committee on the part of the Senate, the disagreements between the two Houses, in relation to the amendments of the Senate to bill of the House No. 250, entitled "A bill to incorporate the Ohio and Indianapolis railroad company," have directed me to report that they have been unable to come to any agreement upon the subject, and respectfully ask to be discharged.

Whereupon the House,

On motion,

Insisted on their disagreement, and a second committee, consisting of Messrs. Carr and Mooney,

Were appointed to meet one of the Senate, on this matter.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Baker moved to take from the table,

Senate bill No. 202. A bill amendatory of the several acts incorporating the town of Indianapolis.

Which motion did not prevail.

Mr. Lowe moved to take from the table,

Senate bill No. 206. An act in relation to the repairing of the college buildings;

Which did not prevail.

Mr. McDonald from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a joint resolution of the Senate, entitled, A joint resolution on the subject of the Oregon boundary, have had the same under consideration, and have directed me to report the same back to the House, with the following amendments and recommend its passage, and ask to be discharged from the further consideration thereof.

Amend by striking out of the last resolving clause but one, after the word resolved, the words "That inasmuch as the committee of the Senate on federal relations has just reported to the Senate" to the word that, and after the word that, in said clause, the words "the whole of Oregon is ours."

So as to make the said clause read as follows; *And be it further resolved*, That our Senators are therefore instructed, and our Representatives in Congress requested to oppose any compromise, whereby we shall lose a single foot of American territory.

Said amendments were adopted.



Said joint resolution was then read a third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, without amendment :

No. 396. An act amending the 45th section of chapter 12th of the Revised Statutes of 1843, and for other purposes ;

No. 332. A bill amendatory of the 3d section of chapter 50th of the Revised Statutes of 1843 ;

No. 455. An act to allow the principal and teachers of the deaf and dumb asylum, to use the books in the State Library ;

No. 470. An act to authorize the treasurer of Richardville county to sell lands returned delinquent for the non-payment of taxes ;

No. 461. A bill to locate a State road from Greencastle, in Putnam county, to Covington, in Fountain county ;

No. 495. An act amendatory of an act, providing for an additional place of holding elections in Vermillion county ;

No. 441. An act to incorporate the New Albany and Corydon turnpike company ;

No. 476. A bill to dissolve the bonds of matrimony between Rowley McCay and Sarah McCay ;

No. 386. An act granting the citizens of Lawrenceburgh, a city charter, and for revising and repealing all laws and parts of laws heretofore enacted on that subject ; also,

No. 488. A joint resolution in relation to the naturalization laws ;

No. 472. An act to amend the 218th section of the 13th chapter of the Revised Code, page 267.

Mr. Smith made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Pulaski, Marshall, Fulton, and Starke, praying the passage of a law for their relief, have had the same under consideration, and have directed me to report, that a law in accordance with the prayer of the petitioners, would be unconstitutional, and therefore ask to be discharged from the further consideration of the subject.

Which was concurred in.

The following message was received from the Governor, by Mr. Powers, his private Secretary :

MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the House of Representatives, that he has this day approved and signed;

No. 14. An act relative to supervisors, in the counties of Carroll and Clinton;

No. 356. An act to legalize the judicial acts of John F. Merrill, late a justice of the peace in Huntington county;

No. 237. An act to amend the 65th section of the 54th chapter, of the Revised Statutes of 1843;

No. 265. An act limiting the time within which actions for the recovery of real estate shall be commenced;

No. 353. An act amendatory of an act entitled an act incorporating the town of South Bend, of St. Joseph county, Indiana, approved January 15, 1844, and for other purposes;

No. 407. An act to locate a State road in Noble county;

No. 420. An act regulating the times of holding probate courts, in the county of Greene;

No. 370. An act granting additional powers to the president and trustees of the town of Dublin;

No. 466. An act to incorporate the Madison cemetery;

No. 447. An act for the relief of the securities of William H. Darnell, late school commissioner of Hendricks county;

No. 380. An act to authorize the auditor and school commissioner of Jay county, to sell the school section in township No. 23, north of range 15 east, in Jay county;

No. 70. An act to incorporate the Evansville medical society, and to authorize said medical society to organize and establish a medical college;

No. 408. An act to incorporate the town of Hagerstown;

No. 434. An act to provide for the payment of the expense of the surveying and locating the Wabash and Ohio canal, from Terre Haute to Evansville;

No. 485. An act to provide for the payment of the expenses of selecting and classifying the lands granted by Congress for the completion of the Wabash and Erie canal, from Terre Haute to Evansville.

All of which originated in the House of Representatives.

Also, the following from the Governor, by Mr. Powers:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed

No. 362. An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville;

Which originated in the House of Representatives.

Mr. Harvey made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House, and find the enrolment thereof correctly made:

No. 166. An act to amend an act entitled "An act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8, 1836, approved January 15, 1844;

No. 12. An act to amend an act entitled "An act incorporating the Michigan road company," approved January 13, 1845;

No. 371. An act for the relief of E. J. Peck;

No. 404. An act for the relief of Jacob Whisler;

No. 392. An act for the relief of Indiana Young;

No. 373. An act for the relief of James S. Mays, late school commissioner of Knox county;

No. 390. An act for the relief of Henry D. Smith;

No. 381. An act to divorce Arthur E. Williams;

No. 357. An act to amend section 27, chapter 7, Revised Statutes 1843, in relation to allowances to sheriffs by county boards;

No. 384. An act authorizing the commissioners of Henry county to reduce the width of county roads in certain cases;

No. 298. An act for the relief of Elizabeth Preston;

No. 249. An act for the relief of John B. Coleman and others, of Daviess county;

No. 394. An act making general appropriations for the year 1846;

No. 245. An act relative to tax titles;

No. 460. An act to incorporate the Madison and Napoleon turnpike company;

No. 445. An act to incorporate the Knightstown and Shelbyville railroad company;

No. 391. An act relating to the third judicial circuit;

No. 468. An act explanatory of a certain act therein named;

No. 140. An act to provide for taking the sense of the qualified voters of this State on the calling of a convention to alter, amend or revise the constitution of this State;

No. 405. An act to define the channel of Turtle creek, in Sullivan county;

No. 479. An act empowering Rachael Blair, executrix of Enos Blair, deceased, formerly collector of Monroe county, to collect arrears of taxes;

No. 409. An act declaratory of and to amend an act entitled "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845;

No. 340. An act authorizing the superintendent of the Wabash and Erie canal to employ an engineer ;

No. 474. An act for the relief of Andrew Richardson ;

No. 361. An act in relation to collectors of State and county revenue ;

No. 478. An act declaring a county road running through a part of the counties of Clay and Putnam, a State road ;

No. 287. An act to change that part of the New Albany and Crawfordsville McAdamized road which lies between Salem and New Albany to a railroad to be constructed by a private company ;

No. 350. An act for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased ;

No. 413. An act for the relief of John Davis of Orange county ;

No. 486. An act to revive and continue certain provisions of an act entitled "An act to incorporate the Hagerstown and Winchester turnpike company," approved February 18, 1839 ;

No. 318. An act relative to apprentices ;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, with amendments :

No. 493. A bill making specific appropriations for the year 1846 ;

In which engrossed amendments of the Senate, the concurrence of the House of Representatives is respectfully requested.

Said amendments were taken up by sections ; when

Mr. Stapp moved to concur in the amendments to the first section by adding "in addition to the pay for his services in the year 1845."

On which motion,

Messrs. Moore and McDonald demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Brumfield, Coon, Dowling, Ford, Hall of Gibson, Hall of Warren, Osborn of Laporte, Pennington, Stanfield, Stapp, Taber, Thompson, and Wiley—13.

*Those who voted in the negative are,*

Messrs. Arnold, Baker, Cameron, Carr, Carnan, Clements, Clymer, Coffin, Cookerly, Cornelius, Cruikshank, Davis, Edwards, Ellis,

Hazelrigg, Henry, Henton, Hinchman, Kerr, Kimberlin, Logan, Lowe, McDonald, McRae, Meeker, Mickle, Mooney, Moore, Nelson, Nofsinger, Osborn of Sullivan, Parker, Porter, Powers, Riley, Rippey, Robinson, Secrest, Slater, Sleeth, Smith, Tedford, Turner, Watt, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Wise—49.

So said motion did not prevail.

The House refused to concur in the 13th amendment to the bill in said message ;

Section 14 was not concurred in ;

Section 15 was concurred in ;

On the concurrence of the House to the 16th section, Messrs. Baker and Moore demanded the ayes and noes ;

There being no *quorum* voting, the question fell.

Section 17 was not concurred in ;

Sections 18 and 19 were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Barbour, a Senator :

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate have unanimously adopted the following preamble and resolution, in which the concurrence of the House is respectfully requested.

**WHEREAS**, The Governor, in consequence of sickness, is unable to sign a large number of bills passed by this Legislature, by the time fixed by a resolution of the Legislature, for its adjournment ; by reason of which a large amount of important legislation will fail, unless the said time be extended for one day, and whereas, it is believed that by the suspension of said resolution for one day, the Governor will be enabled to sign all important bills ; therefore,

*Resolved*, That said resolution be rescinded, and its operation suspended till the 20th January, 1846, at which time, the House concurring herein, the Legislature will adjourn, *sine die*.

*Resolved further*, That neither House will entertain any business on the last day of the session, except reports from the Governor.

Which resolutions were reciprocated by the House.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Mooney made the following report :

**MR. SPEAKER :**

The committee of free conference appointed to take into consideration, with a similar committee on the part of the Senate, the disagreement of the two Houses in relation to the amendments of the Senate to House bill No. 250, incorporating the Ohio and Indianapolis railroad company, after having the same under consideration,



have instructed me to report a recommendation that the House concur in the amendments of the Senate, with the following amendments thereto :

Amendments to the fourth amendment of the Senate :

Strike out the word "continue," and insert in lieu thereof the word "connect."

Insert "with a railroad at Jeffersonville extending to the city of New Albany," after the words "contemplated by this act."

Strike out the word "continuing," wherever the same may occur in said fourth amendment, and insert in lieu thereof the word "constructing."

Which report was concurred in, and the amendments adopted.

On motion,

The House adjourned till 2 o'clock, P. M.

*2 o'clock, P. M.*

House met.

Mr. Harvey asked leave to withdraw certain papers from the files ;

Which was granted.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, with amendments :

No. 426. An act to provide for a settlement with the superintendent of the State Prison ;

No. 259. A bill to subdivide certain school lands in the county of Randolph and Delaware belonging to congressional township No. 8, in Monroe county ;

In which engrossed amendments of the Senate the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to the bills in said message mentioned,

Were concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the engrossed amendments of the House of Representatives to engrossed joint resolution of the Senate:

No. 9. A joint resolution on the subject of the Oregon boundary;

The following message was received from the Governor, by Mr. Powers, his Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed:—

No. 293. An act to amend an act to incorporate the city of New Albany, approved February 14, 1839;

No. 430. An act to legalize the proceedings of the board of trustees of the town of Rising Sun, in Ohio county;

No. 439. An act relative to the change of a State road in Boone county;

No. 359. An act to incorporate the Philomathean society of the Indiana University;

No. 431. An act to legalize the acts of Daniel B. Redman;

No. 345. An act to authorize the county commissioners of Carroll county to make a certain appropriation therein named;

No. 339. An act to repeal part of the eighteenth section of article third of chapter five of the Revised Statutes of 1843, and to authorize the county commissioners to grant additional precinct in any township upon application of the voters;

No. 322. An act to authorize Aaron K. Sayer and Daniel Sayer to build a dam across Mississinewa river, in Wabash county;

All of which originated in the House of Representatives.

Also, a message from the Senate by Mr. Barbour, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill of the Senate:

No. 268. An act fixing the time of holding courts in the 5th judicial circuit;

In which the concurrence of the House is requested.

The bill in said message mentioned,

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the Clerk inform the Senate thereof.  
Mr. Tedford made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following with the enrolled bills and find them correctly enrolled:

No. —. A bill for the relief of E. F. Lucas;

No. 334. An act to incorporate the Lawrenceburgh and Rushville turnpike company;

No. 412. An act for the relief of John Patterson of Boone county;

No. 307. An act to amend the fourth article of chapter seven of Revised Statutes of 1843, and for other purposes;

No. 179. A joint resolution on the subject of the reduction of the price of the public lands;

No. 365. A bill amendatory of the several acts relative to the New Albany and Vincennes road;

No. 377. A joint resolution for the reduction of the price of public lands to actual settlers;

No. 485. A bill to provide for the payment of the expense of selecting and classing the lands granted by Congress;

No. 434. A bill to provide for the payment of the expense of surveying and locating Wabash and Ohio canal from Terre Haute to Evansville;

No. 352. A joint resolution in relation to the Buffalo and Tippecanoe railroad;

No. 319. A bill for the payment of Mary Wood and others, for damages recovered by them against the State for injury to their lands by the construction of the Jeffersonville and Crawfordsville road;

No. 76. A bill for the benefit of township one north, of range ten west;

No. 73. A bill to provide for the reappraisement of real estate heretofore appraised and subject to taxation;

No. 376. A joint resolution transferring a certain book from the State Library to the Library of the State institution;

No. 475. An act to provide for the appointment of township assessors in the county of Tipton and defining their duties;

No. —. An act providing for the safety of the mortgages to trust funds;

No. —. An act extending the time of holding courts in the sixth judicial circuit;

No. 456. An act to amend an act incorporating the Indiana Mutual Fire Insurance company, approved January 30, 1837;

No. 277. An act to incorporate the Andersontown, Greenfield, and Shelbyville railroad company;

No. 205. An act to amend an act entitled "An act to incorporate the Michigan road company south of Indianapolis;

No. 389. A bill to provide for a free turnpike road in Steuben county;

No. 282. A bill to incorporate the Wildcat navigation company;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Harvey, from the committee on enrolled bills made the following report:

MR. SPEAKER:

The committee on enrolled bills, report that they have compared the following enrolled, with the engrossed bills of the House, and find the enrolment thereof correctly made:

No. 356. An act to legalize the judicial acts of John F. Merrill, late a justice of the peace in Huntington county;

No. 380. An act to authorize the auditor and school commissioner of Jay county to sell the school section in township No. 23, north of range 15 east, in Jay county;

No. 408. An act to incorporate the town of Hagerstown;

No. 466. An act to incorporate the Madison cemetery;

No. 70. An act to incorporate the Evansville medical society, and to authorize said medical society to organize and establish a medical college;

No. 447. An act for the relief of the securities of William H. Darnell, late school commissioner of Hendricks county;

No. 420. An act regulating the times of holding probate courts, in the county of Greene;

No. 370. An act granting additional powers to the president and trustees of the town of Dublin;

No. 407. An act to locate a State road in Noble county;

No. 353. An act amendatory of an act entitled "An act incorporating the town of South Bend, St. Joseph county, Indiana, approved January 15, 1844," and for other purposes;

No. 265. An act limiting the time within which actions for the recovery of real estate shall be commenced;

No. 237. An act to amend the 65th section of the 54th chapter of the Revised Statutes of 1843;

No. 14. An act relative to supervisors in the counties of Carroll and Clinton.

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate, for the signature of the President.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have insisted upon their engrossed amendment No. 1, and that they have receded from their engrossed amendment No. 13, and that they have insisted on their engrossed amendment No. 14, and that they have concurred in the engrossed amendment of the House to the engrossed amendment of the Senate, No. 15, and that they have receded from their engrossed amendment No. 17, and that they insist upon their engrossed amendment No. 18, to bill of the House of Representatives:

No. 493. An act making specific appropriations for the year 1846; thereupon,

On motion,

The House insisted on their disagreements to the amendments of the Senate, and appointed Messrs. Lowe and Secrest a committee of free conference on the part of the House to act with a similar one on the part of the Senate.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have appointed Messrs. Orth and Ellis a committee of free conference on the part of the Senate on the engrossed amendments of the Senate Nos. 1, 14, and 18, to bill of the House of Representatives:

No. 481. An act making specific appropriations for the year 1846.

Whereupon the House,

On motion,

Continued to disagree in the amendments of the Senate to the bill in the message mentioned,

And Messrs. Secrest and Lowe, were appointed a committee of free conference to meet a similar one of the Senate, to take into consideration the disagreements of the two Houses.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 165. An act to change the name of Aberdeen town, in Hamilton county;



No. 85. An act declaratory of an act entitled "An act authorizing the commissioner of the Wabash and Erie canal east and west of Tippecanoe, to sell lands in tracts of forty acres or quarter quarter sections," approved February 13, 1843; also,

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House of Representatives, without amendment:

No. 495. An act to establish a free turnpike road, in Allen county.

The committee of free conference to whom was referred the disagreements of the two Houses, in regard to the amendments of the Senate, to bill of the House;

No. 493. An act making specific appropriations for the year 1846, reported that they could not come to any definite conclusion, and asked to be discharged from the further consideration thereof.

Whereupon the House,

On motion,

Continued to disagree to the amendments, and a second committee was appointed,

Consisting of Messrs. Meeker and Thompson, to meet a similar one on the part of the Senate, to take into consideration the disagreement between the two Houses.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Secrest,

*Resolved unanimously*, That the thanks of this House be tendered to the venerable gentleman from Harrison, (Dennis Pennington) for his kind and fatherly treatment to the members of the House individually, during the present session, and for his long and faithful services to the State during the whole period of its existence.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate have appointed a committee of free conference, Messrs. Pomeroy and English, on the part of the Senate, on the disagreement on the specific appropriation bill.

A message from the Governor, by Mr. J. B. Powers, his private Secretary:

## MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the House of Representatives, that he has this day approved and signed;

No. 285. An act granting the right of way to a company to construct a rail or turnpike road therein named, in the county of Vermillion;

No. 337. An act for the collection of road tax, in the county of Hamilton;

No. 277. An act to prevent county auditors from practising as attorneys and counsellors at law, in the county commissioner's court;

No. 335. An act for the relief of James Kitchen;

No. 367. An act to define the lines of certain school districts in Clay county;

No. 328. An act for the relief of Mary Ann Banks;

No. 103. An act to modify the 30th section of chapter 16, of the Revised Statutes;

No. 296. An act to locate a State road in the counties of Miami and Madison;

No. 139. An act to amend the 1st article of the 53d chapter of the Revised Laws of 1843, and for other purposes;

No. 87. An act to amend the law regulating the practice of courts in the 11th judicial circuit;

No. 55. An act relative to the issuing of executions;

No. 321. An act to provide for the location of a State road in Dekalb and Allen counties;

No. 110. An act to enable the inhabitants of the several congressional townships in this State to reappraise and sell any of their unsold school lands;

No. 342. An act for the relief of Lucinda Sparks of Floyd county;

No. 326. An act to abolish the necessity of special legislation in the counties of Adams and Jay;

No. 317. An act for the relief of the heirs of Henry Stevenson, deceased, late of Boone county;

No. 348. An act to extend the time of holding commissioners' courts in the counties of Hamilton and Laporte;

No. 358. An act legalizing the acts of certain justices of the peace, in Allen county;

No. 366. An act to locate a State road in the counties of Bartholomew, Decatur and Jennings;

No. 184. An act to incorporate the White river navigation company;

No. 461. An act to vacate a part of the town of South Bend, in St. Joseph county, Indiana;

No. 197. An act for the relief of the heirs of Michael Ross, deceased;

Hazlerigg, Henry, Henton, Hinchman, Kerr, Kimberlin, Logan, Lowe, McDonald, McRae, Meeker, Mickle, Mooney, Moore, Nelson, Nofsinger, Osborn of Sullivan, Parker, Porter, Powers, Riley, Rippey, Robinson, Secrest, Slater, Sleeth, Smith, Tedford, Turner, Watt, Webber, Wiley, Wilson of Marion, Wilson of Noble, Wilson of Sullivan, and Wise—49.

So said motion did not prevail.

The House refused to concur in the 13th amendment to the bill in said message :

Section 14 was not concurred in ;

Section 15 was concurred in ;

On the concurrence of the House to the 16th section,

Messrs. Baker and Moore demanded the ayes and noes ;

There being no *quorum* voting, the question fell.

Section 17 was not concurred in ;

Sections 18 and 19 were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Barbour, a Senator :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have unanimously adopted the following preamble and resolution, in which the concurrence of the House is respectfully requested.

**WHEREAS**, The Governor, in consequence of sickness, is unable to sign a large number of bills passed by this Legislature, by the time fixed by a resolution of the Legislature, for its adjournment ; by reason of which a large amount of important legislation will fail, unless the said time be extended for one day, and whereas, it is believed that by the suspension of said resolution for one day, the Governor will be enabled to sign all important bills ; therefore,

*Resolved*, That said resolution be rescinded, and its operation suspended till the 20th January, 1846, at which time, the House concurring herein, the Legislature will adjourn, *sine die*.

*Resolved further*, That neither House will entertain any business on the last day of the session, except reports from the Governor.

Which resolutions were reciprocated by the House.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Mooney made the following report :

MR. SPEAKER :

The committee of free conference appointed to take into consideration, with a similar committee on the part of the Senate, the disagreement of the two Houses in relation to the amendments of the Senate to House bill No. 250, incorporating the Ohio and Indianapolis railroad company, after having the same under consideration,

J-8

have instructed me to report a recommendation that the House concur in the amendments of the Senate, with the following amendments thereto :

Amendments to the fourth amendment of the Senate :

Strike out the word "continue," and insert in lieu thereof the word "connect."

Insert "with a railroad at Jeffersonville extending to the city of New Albany," after the words "contemplated by this act."

Strike out the word "continuing," wherever the same may occur in said fourth amendment, and insert in lieu thereof the word "constructing."

Which report was concurred in, and the amendments adopted.

On motion,

The House adjourned till 2 o'clock, P. M.

*2 o'clock, P. M.*

House met.

Mr. Harvey asked leave to withdraw certain papers from the files ;

Which was granted.

A message from the Senate, by Mr. Gorman, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House of Representatives, with amendments :

No. 426. An act to provide for a settlement with the superintendent of the State Prison ;

No. 259. A bill to subdivide certain school lands in the county of Randolph and Delaware belonging to congressional township No. 8, in Monroe county ;

In which engrossed amendments of the Senate the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to the bills in said message mentioned,

Were concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the engrossed amendments of the House of Representatives to engrossed joint resolution of the Senate:

No. 9. A joint resolution on the subject of the Oregon boundary;

The following message was received from the Governor, by Mr. Powers, his Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed:—

No. 293. An act to amend an act to incorporate the city of New Albany, approved February 14, 1839;

No. 430. An act to legalize the proceedings of the board of trustees of the town of Rising Sun, in Ohio county;

No. 439. An act relative to the change of a State road in Boone county;

No. 359. An act to incorporate the Philomathean society of the Indiana University;

No. 431. An act to legalize the acts of Daniel B. Redman;

No. 345. An act to authorize the county commissioners of Carroll county to make a certain appropriation therein named;

No. 339. An act to repeal part of the eighteenth section of article third of chapter five of the Revised Statutes of 1843, and to authorize the county commissioners to grant additional precinct in any township upon application of the voters;

No. 322. An act to authorize Aaron K. Sayer and Daniel Sayer to build a dam across Mississinewa river, in Wabash county;

All of which originated in the House of Representatives.

Also, a message from the Senate by Mr. Barbour, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill of the Senate:

No. 268. An act fixing the time of holding courts in the 5th judicial circuit;

In which the concurrence of the House is requested.

The bill in said message mentioned,

Was read three several times, the rules being suspended, and passed.



*Ordered*, That the Clerk inform the Senate thereof.  
Mr. Tedford made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following with the enrolled bills and find them correctly enrolled:

No. —. A bill for the relief of E. F. Lucas;

No. 334. An act to incorporate the Lawrenceburgh and Rushville turnpike company;

No. 412. An act for the relief of John Patterson of Boone county;

No. 307. An act to amend the fourth article of chapter seven of Revised Statutes of 1843, and for other purposes;

No. 179. A joint resolution on the subject of the reduction of the price of the public lands;

No. 365. A bill amendatory of the several acts relative to the New Albany and Vincennes road;

No. 377. A joint resolution for the reduction of the price of public lands to actual settlers;

No. 485. A bill to provide for the payment of the expense of selecting and classing the lands granted by Congress;

No. 434. A bill to provide for the payment of the expense of surveying and locating Wabash and Ohio canal from Terre Haute to Evansville;

No. 352. A joint resolution in relation to the Buffalo and Tippecanoe railroad;

No. 319. A bill for the payment of Mary Wood and others, for damages recovered by them against the State for injury to their lands by the construction of the Jeffersonville and Crawfordsville road;

No. 76. A bill for the benefit of township one north, of range ten west;

No. 73. A bill to provide for the reappraisement of real estate heretofore appraised and subject to taxation;

No. 376. A joint resolution transferring a certain book from the State Library to the Library of the State institution;

No. 475. An act to provide for the appointment of township assessors in the county of Tipton and defining their duties;

No. —. An act providing for the safety of the mortgages to trust funds;

No. —. An act extending the time of holding courts in the sixth judicial circuit;

No. 456. An act to amend an act incorporating the Indiana Mutual Fire Insurance company, approved January 30, 1837;

No. 277. An act to incorporate the Andersontown, Greenfield, and Shelbyville railroad company;

No. 205. An act to amend an act entitled "An act to incorporate the Michigan road company south of Indianapolis;

No. 389. A bill to provide for a free turnpike road in Steuben county;

No. 282. A bill to incorporate the Wildcat navigation company;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Harvey, from the committee on enrolled bills made the following report:

MR. SPEAKER:

The committee on enrolled bills, report that they have compared the following enrolled, with the engrossed bills of the House, and find the enrolment thereof correctly made:

No. 356. An act to legalize the judicial acts of John F. Merrill, late a justice of the peace in Huntington county;

No. 380. An act to authorize the auditor and school commissioner of Jay county to sell the school section in township No. 23, north of range 15 east, in Jay county;

No. 408. An act to incorporate the town of Hagerstown;

No. 466. An act to incorporate the Madison cemetery;

No. 70. An act to incorporate the Evansville medical society, and to authorize said medical society to organize and establish a medical college;

No. 447. An act for the relief of the securities of William H. Darnell, late school commissioner of Hendricks county;

No. 420. An act regulating the times of holding probate courts, in the county of Greene;

No. 370. An act granting additional powers to the president and trustees of the town of Dublin;

No. 407. An act to locate a State road in Noble county;

No. 353. An act amendatory of an act entitled "An act incorporating the town of South Bend, St. Joseph county, Indiana, approved January 15, 1844," and for other purposes;

No. 265. An act limiting the time within which actions for the recovery of real estate shall be commenced;

No. 237. An act to amend the 65th section of the 54th chapter of the Revised Statutes of 1843;

No. 14. An act relative to supervisors in the counties of Carroll and Clinton.

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate, for the signature of the President.

A message from the Senate, by Mr. Gorman, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have insisted upon their engrossed amendment No. 1, and that they have receded from their engrossed amendment No. 13, and that they have insisted on their engrossed amendment No. 14, and that they have concurred in the engrossed amendment of the House to the engrossed amendment of the Senate, No. 15, and that they have receded from their engrossed amendment No. 17, and that they insist upon their engrossed amendment No. 18, to bill of the House of Representatives:

No. 493. An act making specific appropriations for the year 1846; thereupon,

On motion,

The House insisted on their disagreements to the amendments of the Senate, and appointed Messrs. Lowe and Secrest a committee of free conference on the part of the House to act with a similar one on the part of the Senate.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have appointed Messrs. Orth and Ellis a committee of free conference on the part of the Senate on the engrossed amendments of the Senate Nos. 1, 14, and 18, to bill of the House of Representatives:

No. 481. An act making specific appropriations for the year 1846.

Whereupon the House,

On motion,

Continued to disagree in the amendments of the Senate to the bill in the message mentioned,

And Messrs. Secrest and Lowe, were appointed a committee of free conference to meet a similar one of the Senate, to take into consideration the disagreements of the two Houses.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gorman, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House of Representatives, without amendment:

No. 165. An act to change the name of Aberdeen town, in Hamilton county;

No. 85. An act declaratory of an act entitled "An act authorizing the commissioner of the Wabash and Erie canal east and west of Tippecanoe, to sell lands in tracts of forty acres or quarter quarter sections," approved February 13, 1843; also,

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House of Representatives, without amendment:

No. 495. An act to establish a free turnpike road, in Allen county.

The committee of free conference to whom was referred the disagreements of the two Houses, in regard to the amendments of the Senate, to bill of the House;

No. 493. An act making specific appropriations for the year 1846, reported that they could not come to any definite conclusion, and asked to be discharged from the further consideration thereof.

Whereupon the House,

On motion,

Continued to disagree to the amendments, and a second committee was appointed,

Consisting of Messrs. Meeker and Thompson, to meet a similar one on the part of the Senate, to take into consideration the disagreement between the two Houses.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Secrest,

*Resolved unanimously*, That the thanks of this House be tendered to the venerable gentleman from Harrison, (Dennis Pennington) for his kind and fatherly treatment to the members of the House individually, during the present session, and for his long and faithful services to the State during the whole period of its existence.

A message from the Senate, by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate have appointed a committee of free conference, Messrs. Pomeroy and English, on the part of the Senate, on the disagreement on the specific appropriation bill.

A message from the Governor, by Mr. J. B. Powers, his private Secretary:

## MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the House of Representatives, that he has this day approved and signed;

No. 285. An act granting the right of way to a company to construct a rail or turnpike road therein named, in the county of Vermillion;

No. 337. An act for the collection of road tax, in the county of Hamilton;

No. 277. An act to prevent county auditors from practising as attorneys and counsellors at law, in the county commissioner's court;

No. 335. An act for the relief of James Kitchen;

No. 367. An act to define the lines of certain school districts in Clay county;

No. 328. An act for the relief of Mary Ann Banks;

No. 103. An act to modify the 30th section of chapter 16, of the Revised Statutes;

No. 296. An act to locate a State road in the counties of Miami and Madison;

No. 139. An act to amend the 1st article of the 53d chapter of the Revised Laws of 1843, and for other purposes;

No. 87. An act to amend the law regulating the practice of courts in the 11th judicial circuit;

No. 55. An act relative to the issuing of executions;

No. 321. An act to provide for the location of a State road in Dekalb and Allen counties;

No. 110. An act to enable the inhabitants of the several congressional townships in this State to reappraise and sell any of their unsold school lands;

No. 342. An act for the relief of Lucinda Sparks of Floyd county;

No. 326. An act to abolish the necessity of special legislation in the counties of Adams and Jay;

No. 317. An act for the relief of the heirs of Henry Stevenson, deceased, late of Boone county;

No. 348. An act to extend the time of holding commissioners' courts in the counties of Hamilton and Laporte;

No. 358. An act legalizing the acts of certain justices of the peace, in Allen county;

No. 366. An act to locate a State road in the counties of Bartholomew, Decatur and Jennings;

No. 184. An act to incorporate the White river navigation company;

No. 461. An act to vacate a part of the town of South Bend, in St. Joseph county, Indiana;

No. 197. An act for the relief of the heirs of Michael Ross, deceased;



No. 4. An act for the relief of David Stoner, Lewis Ireland, James H. Andrews, Joseph Long and others ;

No. 387. An act to legalize the election and official acts of William H. Parmalee, as Probate Judge of Wells county ;

No. 270. An act to assess a school tax in the counties of Adams and Jay ;

No. 463. An act to establish a certain State road therein named ;

No. 213. An act to amend an act entitled "An act to provide for the continuance of the construction of all or any part of the public works by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842 ;

No. 388. An act to legalize the assignment of certificates to certain school lands in this State ;

No. 400. An act to authorize the auditor of Madison county to sell the sixteenth section of township number twenty-two north, of range number eight east, for the benefit of common schools in said township ;

No. 385. An act to establish an additional election precinct in Union township, in Perry county ;

No. 440. An act to amend the road law in Tipton county ;

No. 381. An act to authorize Samuel J. Hoge to construct a mill dam across the Tippecanoe river ;

No. 464. An act to amend an act entitled "An act to incorporate the Laporte University," approved January 20, 1842 ;

No. 423. An act for the relief of Henry Mancel and the widow and children of John Reed, deceased ;

No. 458. An act authorizing a settlement with Spears and Case for work done on the sidecut at Delphi, in Carroll county ;

No. 369. An act giving certain powers and authority to the Frankfort commissioners in Carroll county ;

All of which originated in the House of Representatives.

A message from the Governor by Mr. J. B. Powers, his private secretary :

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House of Representatives, that he has this day approved and signed

No. 272. An act to extend an act to provide for the transfer of the surplus revenue fund," &c., approved February 11, 1843 ;

No. 347. An act amending the 9th section of the 16th chapter of the Revised Statutes of 1843 ;

No. 338. An act to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1845 ;

No. 314. An act to subject certain lands to taxation ;

No. 462. An act to locate a certain State road therein named ;

No. 403. An act to vacate a part of a State road in Bartholomew county ;

No. 410. An act to authorize a resurvey of section 16, in township 3 south, in range 5 east, in Harrison county, and for other purposes ;

No. 429. An act to repeal an act entitled "An act in relation to the appointment of county commissioners of the several counties in this State, to act as a board of library trustees in their respective counties, and for other purposes," approved January 6, 1845, so far as the county of Posey is concerned ;

No. 428. An act for the relief of Mary Ann Bruner, of the county of Ripley ;

No. 231. An act for the relief of Benjamin Powell and the heirs of Harrison Barnett, deceased ;

No. 84. An act regulating the fees of petit jurors in the county of Hancock ;

No. 393. An act for the divorce of Robert Hemphill of Monroe county ;

No. 363. An act declaring a road therein named a State road ;  
All of which originated in the House of Representatives.

Mr. Mickle made the following report :

**MR. SPEAKER :**

The committee of free conference appointed on the part of the House to take into consideration the disagreement of the two Houses, report that they have agreed to disallow the claim of John B. Dillon of one hundred dollars, and have agreed to amend the 7th section of the bill so as to allow Delana R. Eckles as clerk of the committee of ways and means \$3 50 per day for every day he may have actually served as such ; and have agreed to postpone the claim of George H. Dunn until the next session of the Legislature without prejudice, and ask to be discharged from further consideration of the subject.

Which report was concurred in.

A message from the Senate by Mr. Gorman, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate have refused to concur in the report of the second committee of free conference on the specific appropriation bill, and have appointed a third committee of free conference to take under their consideration the disagreement between the two Houses on the specific appropriation bill, and appointed Messrs. Davis and Bowers.

Whereupon the House,

On motion,

Continued to insist on their disagreement to the amendments of the Senate, and a third committee consisting of Messrs. Carr and Porter were appointed to wait on the one of the Senate to take into consideration the disagreements of the two Houses.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Porter made the following report:

MR. SPEAKER:

The committee of free conference on the part of the House to take into consideration the disagreement of the two Houses, report that they have agreed to refer the claim of George H. Dunn to the Secretary, Auditor, and Treasurer of State for adjustment and payment in a sum not exceeding one hundred dollars.

They have agreed to allow John B. Dillon sixty dollars.

And have agreed to allow D. R. Eckels three dollars and fifty cents per day for each day he may have served as clerk to the committee on ways and means.

And ask to be discharged from the further consideration thereof.

Which report was concurred in.

A message from the Senate by Mr. Gorman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the report of the committee of free conference on the specific appropriation bill.

Mr. Harvey, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House, and find the same correctly enrolled:

No. 259. An act to subdivide certain school lands in the counties of Randolph and Delaware belonging to congressional township No. eight, in Monroe county;

No. 455. An act to allow the principal and teachers of the Deaf and Dumb Asylum to use the books in the State Library;

No. 481. An act to raise a revenue for the year 1846;

No. 493. An act making specific appropriations for the year 1846;

No. 250. An act to incorporate the Ohio and Indianapolis railroad company;

No. 441. An act to incorporate the New Albany and Corydon turnpike company;

No. 85. An act declaratory of the meaning of an act entitled "An act authorizing the commissioner of the Wabash and Erie canal east and west of Tippecanoe to sell lands in tracts of forty acres;"

No. 332. An act amendatory of the third section of chapter fifty of the Revised Laws of 1843;

No. 488. A joint resolution relative to the naturalization laws;

No. 470. An act to authorize the treasurer of Richardville county to sell lands returned delinquent for the non-payment of taxes;

No. 461. An act to locate a State road from Greencastle in Putnam county to Covington in Fountain county;

No. 495. An act amendatory of an act providing for an additional place of holding elections in Vermillion county;

No. 446. An act to incorporate the Hagerstown and Newcastle turnpike company;

No. 354. An act supplementary to an act entitled "An act to incorporate the South Bend manufacturing company;"

No. 323. An act to require certain Statutes to be published in some newspaper at Indianapolis, and for other purposes;

No. 333. An act to declare a misprint in a certain case;

No. 427. An act to exempt from taxation for corporation purposes certain lands within the limits of the city of Lawrenceburgh;

No. 148. An act for the relief of the widow and children of Jesse Clinger, deceased;

No. 221. An act prescribing the mode of advertising sales of lands mortgaged to the sinking fund;

No. 165. An act to change the name of Aberdeen town in Hamilton county;

No. 426. An act to provide for a settlement with the Superintendent of the State Prison;

No. 386. An act granting the citizens of Lawrenceburgh a city charter, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

No. 472. An act amending the 218th section of Revised Code chapter 13th and page 267;

No. 495. An act to establish a free turnpike road in Allen county;

No. 141. An act to allow owners of partnership fences to remove the same;

No. 396. An act amending the 45th section of chapter 12 of the Revised Statutes of 1843, and for other purposes;

No. 476. An act to dissolve the bonds of matrimony between Rawly McKay and Sarah McKay;

No. 294. An act to amend and reduce into one the several acts relating to the corporation of the town of Vevay;

Whereupon the Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

On motion by Mr. Mickle,

The House adjourned until to-morrow morning, 9 o'clock.

## TUESDAY MORNING, JANUARY 20, 1846.

House met pursuant to adjournment.

Messrs. Lowe and Dowling asked leave to withdraw from the files certain papers.

Which leave was granted.

The following message was received from his Excellency, the Governor, by J. B. Powers, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives that on yesterday he approved and signed:—

No. 465. An act to furnish Tipton county with the Revised Statutes of 1838;

No. 417. An act to extend the time of holding probate courts in Parke and Posey counties;

No. 69. An act relating to a contract on the Madison and Indianapolis railroad;

No. 248. An act prescribing the mode of advertising sales of lands returned delinquent for the non-payment of taxes;

No. 437. A joint resolution providing for the publication of General Washington's farewell address with the Governor's message;

No. 418. An act for the relief of the widow of Thomas Murphey, deceased, of Brookville, in the county of Franklin;

No. 252. An act for the relief of certain purchasers of school lands in Lost Creek township, Vigo county;

No. 225. An act to incorporate the Hoosier band of Greenfield;

No. 283. An act to allow the commissioners of the Wabash and Erie canal to employ an engineer, and for other purposes;

No. 411. An act relative to State roads in Elkhart, St. Joseph and Laporte counties;

No. 155. An act for the relief of purchasers of certain canal lands in the county of Cass;

No. 52. An act for the relief of purchasers of canal lands;



No. 449. An act for the relief of the owners of wet lands in Allen county;

No. 172. An act to incorporate the Union medical society of northern Indiana;

No. 293. An act to authorize Nicholas McCarty to build a mill dam across White river, in Marion county;

No. 158. An act to relocate part of the State road from Williamsport to Newtown;

No. 395. An act to provide for the payment of the members and officers of the General Assembly;

No. 358. An act relative to the fees of auditor of Monroe county;

No. 140. An act to provide for taking the sense of the qualified voters of this State on the calling a convention to alter, revise, or amend the constitution of this State;

No. 391. An act relating to the third judicial circuit;

No. 468. An act explanatory of a certain act therein named;

No. 453. An act providing for the safety of the mortgages to the trust funds;

No. 389. An act to provide for a free turnpike road in Steuben county;

No. 402. An act for the relief of Rufus A. Lockwood;

No. 438. A joint resolution relating to the signers of the declaration of independence;

No. 448. An act to provide for doing county business in the county of Clay;

No. 355. An act to vacate part of the town of Independence;

No. 450. A joint resolution in relation to a State road from the St. Mary's river, on the State line, to the Wabash and Erie canal;

No. 469. An act extending the time of holding courts in the 6th judicial circuit;

No. 401. An act to amend the 7th chapter of section 24th of the Revised Statutes of 1843;

No. 443. An act to locate a State road therein named;

No. 350. An act for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased;

No. 318. An act relative to apprentices;

No. 413. An act for the relief of John Davis, of Orange county;

No. 486. An act to revive and continue certain provisions of an act entitled an act to incorporate the Hagerstown and Winchester turnpike company, and for other purposes, approved February 18, 1839;

No. 456. An act to amend an act to incorporate the Indiana mutual fire insurance company, approved January 30th, 1837;

No. 76. An act for the benefit of the inhabitants of township 1, north of 10 west;

No. 405. An act to define the channel of Turtle creek, in Sullivan county;

No. 376. A joint resolution transferring a certain book therein named, from the State library, to the library of the State University;

No. 475. An act to provide for the appointment of township assessors in the county of Tipton, and defining their duties;

No. 382. A joint resolution in relation to the Buffalo and Mississippi railroad;

No. 479. An act empowering Rachael Blair, executrix of Enos Blair, deceased, formerly collector of Monroe county, to collect arrears of taxes;

No. 319. An act for the payment to Mary Wood and others, of damages recovered by them against the State for injury to their lands, by the construction of the Jeffersonville and Crawfordsville road;

No. 73. An act to provide for the reappraisement of real estate, heretofore appraised, and subject to taxation;

No. 205. An act to amend an act entitled an act, to incorporate the Michigan road company, south of Indianapolis;

No. 404. An act for the relief of Jacob Whisler;

No. 373. An act for the relief of James S. Mays, late school commissioner of Knox county;

No. 371. An act for the relief of E. J. Peck;

No. 392. An act for the relief of Indiana Young;

No. 245. An act relative to tax titles;

No. 474. An act for the relief of Andrew Richardson;

No. 256. An act for the relief of Jacob Razell;

No. 409. An act declaratory of an act to amend an act, entitled an act authorizing Joseph Quinn and James Norvell, to erect toll bridges, approved January 13th, 1845;

No. 361. An act in relation to collectors of State and county revenue;

No. 478. An act declaring a county road running through a part of the counties of Clay and Putnam, a State road;

No. 384. An act authorizing the commissioners of Henry county to reduce the width of county roads in certain cases;

No. 298. An act for the relief of Elizabeth Preston;

No. 357. An act to amend section 27, chapter 7, of the Revised Statutes of 1843, in relation to allowance to sheriffs, by county boards;

No. 249. An act for the relief of John B. Coleman and others, of Daviess county;

No. 381. An act for the divorce of Arthur E. Williams;

No. 390. An act for the relief of Henry D. Smith;

No. 473. An act to amend an act entitled an act to locate a State road from Peru to Canton, and also an act to locate a State road from Kokomo in Richardville county, to Frankfort, in Clinton county, approved January 13th, 1845;

No. 282. An act to incorporate the Wild Cat navigation company;  
 No. 279. An act to incorporate the Andersontown, Greenfield, and Shelbyville railroad company;

No. 476. An act to dissolve the bonds of matrimony between Rowley McKay and Sarah McKay;

No. 479. An act to allow owners of partnership fences to remove the same;

No. 472. An act amending the 218th section of the Revised Code, chapter 13, and page 267;

No. 396. An act amending the 45th section, of chapter 12th of the Revised Statutes of 1843, and for other purposes;

No. 493. An act to establish a free turnpike road, in Allen county;

No. 386. An act granting the citizens of Lawrenceburgh a city charter, and for revising and repealing all laws and parts of laws, heretofore enacted on that subject;

No. 412. An act for the relief of John Patterson, of Boone county;

No. 12. An act to amend an act entitled "An act incorporating the Michigan road company," approved January 13th, 1845;

No. 481. An act to raise a revenue for State purposes, for 1846;

No. 493. An act making specific appropriations for the year 1846;

No. 294. An act to amend and reduce into one the several acts relating to the corporation of the town of Vevay;

No. 307. An act to amend the fourth article of chapter 7, of Revised Statutes of 1843, and for other purposes;

No. 179. A joint resolution on the subject of the public lands;

No. 477. An act for the relief of E. F. Lucas;

No. 340. An act authorizing the superintendent of the Wabash and Erie canal to employ an engineer;

No. 377. A joint resolution for reduction of the price of public lands to actual settlers;

No. 334. An act to incorporate the Lawrenceburgh and Rushville turnpike company;

No. 394. An act making general appropriations for the year 1846;

No. 445. An act to incorporate the Knightstown and Shelbyville railroad company;

No. 166. An act to amend an act entitled "An act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8, 1836, approved January 15, 1844, approved January 13, 1845;

No. 481. An act to raise a revenue for State purposes, for 1846;

No. 259. An act to subdivide certain school lands in the counties of Randolph and Delaware, belonging to congressional township number eight, in Monroe county;

No. 455. An act to allow the principal and teachers of the deaf and dumb asylum to use the books in the State library;

No. 441. An act to incorporate the New Albany and Corydon turnpike company ;

No. 476. An act to authorize the treasurer of Richardville county to sell lands returned delinquent for the non-payment of taxes in said county ;

No. 354. An act supplementary to an act entitled "An act to incorporate the South Bend manufacturing company," approved December 28, 1842 ;

No. 426. An act to provide for a settlement with the superintendent of the Indiana State prison ;

No. 221. An act prescribing the mode of advertising sales of lands mortgaged to the sinking fund ;

No. 446. An act to incorporate the Hagerstown and Newcastle turnpike company ;

No. 488. A joint resolution relative to the naturalization laws ;

No. 495. An act amendatory of an act providing for an additional place of holding elections in Vermillion county ;

No. 461. An act to vacate a State road from Greencastle in Putnam county, to Covington, in Fountain county ;

No. 332. An act amendatory of the third section of chapter 50, of the Revised Statutes of 1843 ;

No. 165. An act to change the name of Aberdeentown, in Hamilton county ;

No. 148. An act for the relief of the widow and children of Jesse Clinger, deceased ;

No. 85. An act declaratory of the meaning of the act entitled "An act authorizing the commissioners of the Wabash and Erie canal east and west of Tippecanoe, to sell lands in tracts of forty acres or quarter quarter sections," approved February 13, 1843 ;

No. 333. An act declaring a misprint in a certain case ;

No. 323. An act to require certain statutes to be published in some newspaper at Indianapolis, and for other purposes ;

No. 250. An act to incorporate the Ohio and Indianapolis railroad company ;

No. 427. An act to exempt from taxation for corporation purposes, certain lands within the limits of the city of Lawrenceburgh ;

All of which originated in the House of Representatives.

On motion by Mr. Harvey,

*Resolved*, That the thanks of this House be tendered to the Principal and Assistant Clerks for the very prompt and efficient discharge of their respective duties during the present session.

The following message was received from the Senate by Mr. Akin, their Assistant Secretary :

MR. SPEAKER :

I am instructed by the Senate to inform the House that the Senate have passed the following resolution :

*Resolved*, That a committee of two be appointed to act with a similar committee on the part of the House, to wait upon his Excellency, the Governor, and inform him that both Houses have gone through with their Legislative business, and are now ready to adjourn *sine die*, if he has no further communication to make to them, and that the House be informed of the adoption of this resolution.

Messrs. Ellis and Howell have been appointed said committee on the part of the Senate.

Whereupon the House,

On motion,

Reciprocated said resolution, and appointed Messrs. Stapp and Riley a like committee.

Mr. Riley, from the committee appointed to wait on his Excellency, the Governor, made the following report :

MR. SPEAKER :

The committee appointed on the part of the House to act with a similar committee on the part of the Senate, to wait on his Excellency, the Governor, and inform him that the House and Senate were through with all business before them, and ready to adjourn *sine die*, and enquire if he has any further communications to make, have discharged that duty and received for answer that he has no further communications, and that he embraces this opportunity to wish the members a safe and happy return to their respective homes, families and friends.

On motion by Mr. Hall of Gibson,

*Resolved*, That the Senate be informed that the House of Representatives have gone through with the Legislative business of the present session, and are now ready to adjourn, *sine die*.

The following message was received from the Senate by Mr. Akin, their Assistant Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following resolution :

*Resolved*, That the Secretary inform the House of Representatives that the Senate have gone through with their Legislative business, and are now ready to adjourn, *sine die*.



Mr. Hall of Gibson then moved that the House do now adjourn, *sine die*.

Whereupon the Speaker arose and delivered the following valedictory address:

GENTLEMEN:—About to separate after a most arduous and eventful session, I would not only be doing violence to my own feelings, but great injustice to you, did I omit bearing testimony to the ability and industry evinced by you in the discharge of your responsible duties as members of this House. The results of the session will be of vital importance to Indiana, and time will determine how far they will be favorable to the future interests and prosperity of the State. In a government like ours it can scarcely be expected that enactments made for the general benefit should meet the approbation of *all*; and should dissatisfaction appear in any quarter, I am sure it cannot be imputed either to want of deliberation, or faithfulness, or of ability on your part.

For the very flattering compliment you have accorded to me—for the liberal indulgence shown me—and for the prompt and efficient aid rendered me on all occasions, whilst in the discharge of the duties of the Chair, you will be pleased, gentlemen, to accept my most grateful thanks.

You are, gentlemen, about to return to the family circle—the domestic fireside. May you find it all you anticipate—full of happiness and all the endearing relations of home,—and may you also meet, as I know you deserve, the cheering welcome of a satisfied constituency.

I now perform the last duty incumbent upon me by pronouncing this House adjourned *sine die*.

Attest,

FRANCIS M. WILLIAMS,  
*Assistant Clerk House of Representatives.*



# INDEX.

---

## A

### ADJOURNMENT.

Action in relation to, 40, 153, 232, 294, 353, 534, 625, 643

### AGENT OF STATE.

Communications from,	-	-	-	-	-	135, 149, 183
M. G. Bright elected,	-	-	-	-	-	- 568

### ARNOLD, EPHRAIM.

Appeared and was qualified,	-	-	-	-	-	- 3
Motions made by,	-	-	-	-	-	37, 55, 394

### AUDITOR.

Communications from, - 31, 126, 143, 159, 215, 325, 309, 317

### AYES AND NOES.

On going into the election of sergeant-at-arms,	-	-	-	11
Same subject,	-	-	-	12
On purchasing newspapers for House,	-	-	-	24
On printing Governor's message,	-	-	-	25
On resolution to elect sergeant-at-arms,	-	-	-	33
On resolution repealing appraisement or valuation laws,	-	-	-	36

AYES AND NOES—*Continued.*

On resolution providing for going into election of United States Senator, - - - - -	37, 38, 39, 42, 43
On purchasing newspapers for House, - - - - -	47, 48, 60, 61
On laying on the table preamble and resolution relative to the contested election of Messrs. Lanius and Lane, - - - - -	58, 59
On adjourning, - - - - -	59, 60
On adopting preamble and resolution in relation to contested election of Messrs. Lanius and Lane, - - - - -	65
On laying bill upon the table reducing the per diem allowance of members of the General Assembly, - - - - -	70
On indefinitely postponing a joint resolution reviving in part a certain act therein named, - - - - -	72, 73
On passage of bill to dissolve the matrimonial ties existing between Patsey Hubbard and Malachi Hubbard, her husband, and to authorize the entering of a nolle prosequi in a certain indictment against the said Patsey, - - - - -	79
On laying upon the table a resolution appointing Mooney, Dowling, and Chambers on select committee appointed to district the State into senatorial and representative districts, - - - - -	82
On the passage of a joint resolution reviving in part a certain act therein named, - - - - -	87
On adopting report of committee of the whole in relation to reducing the number of Senators and Representatives for the next five years, - - - - -	93
On concurring in report of committee of ways and means, relative to abolishing the offices of county treasurer and county assessor, - - - - -	104
On motion to lay upon the table motion to reconsider the vote taken on referring joint resolution on subject of reducing number of Senators and Representatives, to select committee on subject of apportionment, - - - - -	109
On concurring in report of judiciary committee, in relation to extending the jurisdiction of justices of the peace, - - - - -	118
On motion to reject the bill repealing the law requiring marriage licenses to be issued by clerks of the circuit courts, - - - - -	122
On passage of bill to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller, - - - - -	142
On concurring in report of select committee relative to establishing an uniform mode of doing county business, - - - - -	151
On rejecting a bill to enable married women to acquire and hold separate property, - - - - -	155
On indefinitely postponing resolution relative to electing a sergeant-at-arms, - - - - -	155, 156
On engrossing bill for the relief of John Drummond, - - - - -	157
On reconsidering the vote on engrossing bill abolishing the fees of the auditors of Jackson, Lawrence, Ripley, Tippecanoe, Adams, Jay, and Hancock counties, - - - - -	166

AYES AND NOES—*Continued.*

On amending the bill abolishing the fees of the auditors of Jackson, Lawrence, Ripley, Tippecanoe, Adams, Jay, and Hancock counties, so as to add the county of Putnam, -	167
On passage of bill abolishing the fees of the auditors of Jackson, Lawrence, Ripley, Tippecanoe, Adams, Jay, and Hancock counties, - - - - -	167, 168
On passage of bill for relief of John Drummond, - - -	169
On passage of amendment to bill increasing the per diem allowance of grand and petit jurors in certain counties therein named, - - - - -	171
On concurring in report of committee of the whole on bill in relation to fees of grand and petit jurors, - - -	172
On engrossment of bill in relation to jurors' fees, - - -	173
On engrossment of bill respecting examiners of teachers of common schools, - - - - -	174
On engrossment of bill for relief of William J. Chaplin, - -	177
On printing five hundred copies of communication of Agent of State, - - - - -	183
On passage of bill increasing allowance of grand and petit jurors, - - - - -	190, 191
On passage of bill to amend the fortieth section of the twenty-eighth chapter of the Revised Laws of 1843, - - -	194, 195
On concurring in report of committee on bill No. 157, - - -	199
On concurring in report of committee on bill to amend an act entitled, "An act incorporating the Michigan Road Company," - - - - -	204
On concurring in report of committee on an act compelling the White Water Valley Canal Company to make bridges, -	215
On amending an act to incorporate the Independent Order of Odd Fellows, - - - - -	218
On concurring in report of committee on an act to incorporate the Odd Fellows, - - - - -	219
On concurring in report of committee on corporations to bill to encourage manufactures, - - - - -	220
On amendment to bill for the relief of borrowers of the surplus revenue and other funds, - - - - -	227
On concurring in report of judiciary committee on bill in relation to partnership fences, - - - - -	238
On indefinitely postponing a bill to repeal a certain section of Revised Statutes, - - - - -	247
On adjourning, - - - - -	257
On amending bill of the House No. 250, to incorporate the Ohio and Indianapolis Railroad Company, - - -	264
On amending a bill to incorporate the Ohio and Indianapolis Railroad Company, - - - - -	265
On engrossing bill of the House No. 250, - - - - -	266



AYES AND NOES—*Continued.*

On amending bill of the Senate No. 79, to incorporate the Buffalo and Mississippi Railroad Company, approved Feb. 6, 1845,	- - - - -	267
On laying on the table bill of the House No. 141, to allow owners of partnership fences to remove the same,	- - - - -	269
On the passage of bill of the House No. 199, to amend the seventy-third section of the fifteenth chapter of the Revised Statutes of 1843,	- - - - -	273
On bill of the Senate No. 95, for the relief of Martha Ann McCune, of Floyd county,	- - - - -	275
On passage of bill of the House No. 80, for the relief of Joseph and Maria Rudman, of Franklin county,	- - - - -	286
On passage of bill No. 250, to incorporate the Ohio and Indianapolis Railroad Company,	- - - - -	287
On reconsidering the vote taken on the passage of bill of the House No. 80, for the relief of Joseph and Maria Rudman, of Franklin county,	- - - - -	289
On laying on the table resolution to adjourn,	- - - - -	294
On engrossing bill for relief of Huldah Richardson,	- - - - -	297
On concurring in report of select committee on bill of the Senate No. 43, in relation to estrays,	- - - - -	298
On concurring in amendment of the Senate to bill of the House No. 104, increasing the per diem allowance of grand and petit jurors,	- - - - -	300
On amending bill of the House No. 55, relative to issuing executions,	- - - - -	306
On passage of bill of the House No. 176, for the relief of the Wabash Manual Labor College and Teachers' Seminary,	- - - - -	316
On passage of bill of the House No. 279, for the relief of Sarah Wallace,	- - - - -	328
On adjourning,	- - - - -	333
On concurring in report of committee on elections, on bill of the House No. 162, to repeal an act confining voters to their own townships, so far as the county of Boone,	- - - - -	—
On adjourning sine die,	- - - - -	354, 355
On indefinitely postponing joint resolution No. 329, removing the superintendent and censuring the clerk of the State Prison,	- - - - -	356
On bill of the House No. 91, relative to the punishment of treason and murder in the first degree,	- - - - -	372, 373
On amending bill of the Senate No. 67, to apportion Senators and Representatives for the next five years,	- - - - -	392, 393, 394
On concurring in report of select committee on petition of citizens of Jackson county,	- - - - -	397
On joint resolution No. 179, on the subject of the reduction of the price of public lands,	- - - - -	402

AYES AND NOES—*Continued.*

On bill of the Senate No. 67, to apportion Senators and Representatives for the next five years, - - -	409, 410, 411
On bill of the House No. 36, to extend the writ of garnishee in certain cases, - - - - -	413
On bill of the House No. 138, to provide for the erection of a monument on the Tippecanoe battle-ground, - - -	418
On bill of the House No. 281, providing for the adjustment of a certain claim therein named, - - - - -	419
On passage of bill No. 67, to apportion Senators and Representatives for the next five years, - - - - -	422
On amending bill of the House relative to issuing executions, - - -	252
On concurring in report of select committee on a joint resolution removing the superintendent and censuring the clerk of the State Prison, - - - - -	433
On bill of the House to repeal an act entitled, "An act to confine voters to their respective townships," approved Jan. 13, 1845, so far as relates to the county of Boone, - -	461
On amending an act in relation to vending clocks in Tipton county, - - - - -	476
On passage of bill of the House No. 301, to authorize the State Bank to issue notes of a less denomination than five dollars, and for other purposes, - - - - -	484
On adjourning, - - - - -	502
On amending bill of the House No. 362, providing for the payment of the public debt, - - - - -	503
On reconsidering a vote taken on an amendment to bill of the House No. 362, - - - - -	505
On amending bill of the House No. 362, - - - - -	506
On amending bill of the House No. 362, - - - - -	507
On amending bill of the House No. 362, - - - - -	508
On engrossing bill No. 362, &c., - - - - -	509
On engrossing bill of the House No. 331, relative to interest, - - -	519
On laying on the table bill of the Senate No. 114, to amend the act relative to the asylum for the education of the deaf and dumb, - - - - -	521
On passage of bill of the Senate No. 114, - - - - -	521
On laying on the table resolution providing for adjourning sine die, - - - - -	534
On passage of bill of the House No. 362, - - - - -	538
On reconsidering the vote taken on the passage of bill No. 362, - - -	539
On indefinitely postponing bill of the Senate No. 150, relating to the bridge over White river, on the Michigan road, in Marion county, - - - - -	543
On indefinitely postponing a bill repealing part of an act declaring the Mississinewa a public highway, - - -	545
On indefinitely postponing bill of the Senate No. 93, - - -	546

AYES AND NOES—*Continued.*

On passage of bill of the Senate No. 93,	-	-	-	-	546
On engrossing a bill leasing the Indiana State Prison, and for other purposes,	-	-	-	-	548
On passage of bill of the Senate No. 163,	-	-	-	-	548
On amending revenue bill,	-	-	-	-	554
On passage of revenue bill,	-	-	-	-	555
On passage of bill of the House No. 485,	-	-	-	-	572
On indefinitely postponing bill of the House No. 490,	-	-	-	-	573
On laying on the table bill of the Senate No. 113, to increase the common school fund,	-	-	-	-	593
On amending bill of the Senate No. 113,	-	-	-	-	594
On laying on the table bill of the Senate No. 113,	-	-	-	-	596
On passage of specific appropriation bill,	-	-	-	-	602
On passage of bill of the House No. 264,	-	-	-	-	607
On indefinitely postponing bill of the Senate No. 193,	-	-	-	-	615
On concurring in amendments of the Senate to specific appropriation bill,	-	-	-	-	624

**B**

## BANK, STATE.

Annual report of the directors of.	[See Documentary Journal.]	
Communication from President of,	-	91
Communication from Cashier of,	-	431
Communication from Cashier of Indianapolis Branch of,	-	431
Communication from President,	-	501
John F. Carr elected director of,	-	331
Jacob Walker elected director of,	-	332

## BAKER, CONRAD.

Appeared and was qualified,	-	5
Motions made by,	34, 38, 84, 116, 155, 157, 201, 218, 226, 229, [253, 282, 299, 307, 317, 329, 248, 390]	

## BLACKWELL, W.

Appeared and was qualified,	-	5
Motion made by,	-	314

## BRIGHT, JESSE D.

Elected United States Senator,	-	-	-	-	-	-	59
--------------------------------	---	---	---	---	---	---	----

## BRIGHT, M. G.

Elected State Agent,	-	-	-	-	-	-	568
----------------------	---	---	---	---	---	---	-----

## BROWN, BAZIL.

Elected superintendent of Central canal,	-	-	-	-	-	606
--	---	---	---	---	---	-----

## BOWMAN, JOHN.

Appeared and was qualified,	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	424

## BRUMFIELD, JAMES B.

Appeared and was qualified,	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---

## BOTTORFF, SIMON.

Communication from,	-	-	-	-	-	46
---------------------	---	---	---	---	---	----

## BERRYHILL, JOHN S.

Elected doorkeeper,	-	-	-	-	-	10
---------------------	---	---	---	---	---	----

## BURNS, EDWARD.

Appeared and was qualified,	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
1	A joint resolution reviving in part an act therein named, - -	31	31, 72, 73, 87	87		
2	A bill to legalize the acts of James Batman, of Boro township, Lawrence county, - - - - -	34	46	77	181	237
3	A bill to secure an economical and efficient organization of the General Assembly, - - - - -	34	34			
4	A bill for the relief of David Stoner and others, - - - - -	34	34	324	492	633
5	A bill declaratory of the meaning of the twenty-ninth section, first article, forty-fifth chapter of the Revised Statutes, - - -	34	34, 77, 111	112	198	238
6	A bill in relation to the seminary township of Gibson county, -	35	35			
7	A joint resolution instructing our Senators and requesting our Re- presentatives to procure the passage of a law for the relief of preemption settlers on the Miami Reserve, - - - - -	44	54	70	181	217
8	A bill to regulate actions brought by corporations, and for other purposes, - - - - -	44	44			
9	Changing the time of holding probate courts in Allen county, -	44	44			
10	A bill supplemental to the twelfth article of the fortieth chapter of the Revised Statutes, - - - - -	44	44, 95	112	195	238
11	A bill regulating the tenure of county treasurers, - - - - -	44	44	110		
		44	44, 60, 188			



12	A bill to amend an act entitled, "An act incorporating the Michigan Road Company," - - - - -	54	54, 204, 270, 287	288	562	640
13	A bill relative to probate courts in Jackson county, - - - - -	54	54, 95	112	229	313
14	A bill to reduce the per diem allowance of members of the General Assembly, - - - - -	54	70			
15	A bill for the relief of Daniel Day Huff, of Orange county, - - - - -	58	70, 195			
16	A bill to legalize the official acts of John Nixon, school commissioner of Washington county, - - - - -	66	87, 117, 124	141	198	237
17	A bill for the relief of the heirs of William Pinnick, - - - - -	67	87, 105	123	198	313
18	A bill to provide for a special term of the Allen circuit court, - - - - -	67	67	67	180	
19	A joint resolution in relation to the inland seas of the western country, - - - - -	68	88, 120	141		
20	A joint resolution in relation to the claim of Col. Francis Vigo, late of Knox county, Indiana, - - - - -	69	88	88	180	217
21	A joint resolution to reduce the number of Senators and Representatives for the next five years, - - - - -	69	69			
22	A bill to change the time of holding probate courts in the county of Dubois, - - - - -	69	69, 87	87	230	213
23	A bill in relation to the bank tax fund, - - - - -	69	69	112	196	238
24	A bill to authorize the refunding of taxes in certain cases, - - - - -	69	69, 103	123	198	238
25	A bill declaring a misprint in the Revised Statutes of 1843, - - - - -	69	69, 95, 98	112		
26	A bill regulating the jurisdiction of justices of the peace in the counties of Lake and Porter, - - - - -	69	69, 92	112	198	238
27	A bill to authorize the auditor of Gibson county to make a deed in a certain case therein named, - - - - -	69	69, 81	112	361	411
28	A bill for the relief of purchasers of school lands in Harrison county, - - - - -	69	88, 111	123	428	539
29	A bill to restrict the operation of an act therein named, - - - - -	69	88, 112, 147	165	229	313
30	A bill for the liquidation of the public debt, - - - - -	73	88			

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLE.	Introduced.	Proceedings before House.	Passed House.	Passed Senate.	Approved.
31	A bill repealing an act entitled, "An act providing for the fees of the auditor of Hancock county, - - - - -"	73	88	112		
32	A bill abolishing the fee of the auditor of Jackson county for entry and transfer of lands, - - - - -	73	88, 116, 149, 165			
33	A bill to require the plaintiff to give security for costs in certain cases therein named, - - - - -	73	88, 304			
34	A bill to vacate the town plat of New Charlestown, in Jay county, - - - - -	73	88	112	180	237
35	A bill to amend the seventy-third and seventy-fourth sections of the fifty-third chapter of the Revised Statutes of 1843, relative to trespassing upon the lands of the United States, - - - - -	73	88, 144	168		
36	A bill to extend the writ of garnishee in certain cases, - - - - -	76	412			
37	A bill to sell certain lots in Indianapolis, - - - - -	78	113, 161, 162			
38	A bill to dissolve the ties of matrimony existing between Patsey Hubbard and Malachi Hubbard, her husband, and to authorize the entering of a nolle prosequi in a certain indictment against the said Patsey, - - - - -	78	78	79	180	237
39	A bill to dissolve the bonds of matrimony between James Hays and Catharine Hays, - - - - -	79	113	123	198	237

40	A bill for the relief of certain purchasers of school lands in Vanderburgh county, - - - - -	80	113	123	198	313
41	A bill for the relief of Joseph Carpenter, - - - - -	80	113	123	230	313
42	A bill dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert, - - - - -	80	113	123	181	217
43	A bill establishing a State road in the counties of Elkhart and St. Joseph, - - - - -	80	80	112	446	539
44	A joint resolution in relation to the Michigan City harbor, - - -	85	85, 108	108	180	217
45	A joint resolution in relation the St. Joseph river, - - - - -	85	85, 99	112	427	509
46	A bill to change the mode of electing county surveyors in Orange county, - - - - -	86	114	123	181	217
47	A bill to extend an act entitled, "An act to provide for a more efficient mode of expending the road tax," - - - - -	86	87, 133	156	405	510
48	A bill for the relief of Victor Belen and Lambert Holden, of Knox county, - - - - -	86	114	123	196	329
49	A bill to amend the fifty-fourth section of the twelfth chapter of the Revised Statutes of 1843, - - - - -	86	114	123		
50	A bill to amend the first section of article one, chapter forty-two, of the Revised Statutes, - - - - -	86	114, 137	156		
51	A bill to repeal the second section of chapter forty-three, laws of 1843, - - - - -	86	113, 123, 338	168	494	637
52	A bill for the relief of purchasers of canal lands, - - - - -	86	123, 145	141	196	238
53	A bill to prescribe the mode of selecting grand and petit jurors in the county of Hendricks, - - - - -	86	124	141	198	313
54	A bill to change the time of holding the probate courts of Perry county, - - - - -	86	124	327	494	632
55	A bill to amend the thirteenth section of chapter seventy-two, of the Revised Statutes of 1843, - - - - -	86	252, 305			

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>		<i>Passed Senate.</i>		<i>Approved.</i>	
56	A bill to amend an act entitled, "An act fixing the time of holding courts in the eighth judicial circuit of the State of Indiana," -	86	124	141					
57	A bill to encourage manufactures, - - - - -	86	124, 219, 245						
58	A bill to amend section 128, chapter thirty-five, article four, of Revised Statutes, so far as relates to fees and services of guar- dians, - - - - -	86	123, 147	168					
59	A bill to provide for the taking, holding, and transmitting of real estate by aliens, and for quieting titles to real estate, - -	94	124	141	407	505			
60	A bill repealing an act therein named, - - - - -	94	124	141	181	237			
61	A bill for the relief of Aaron Stanton and others, - - - -	95	124, 515	516					
62	A bill to authorize the trustees of congressional township number four south, of range number five east, in Harrison county, to change the district therein, - - - - -	96	124	141	181	217			
63	A bill to vacate a part of Water street, in the town of Rushville, -	99	124	141	181	217			
64	A bill for the relief of Peter Everhart and Hezekiah Mitchell, pur- chasers of school lands in Scott county, - - - - -	99	124	141	181	217			
65	A bill to attach certain territory therein named to the county of Jennings, - - - - -	100	[297, 361 124, 141, 156,	374	446	539			

66	A bill to establish an additional place of holding elections in Jackson township, Washington county, - - - - -	101	124	141	
67	A bill to amend the nineteenth section of chapter twenty-one, Revised Statutes of 1843, - - - - -	101			
68	A bill to amend section 175, chapter forty-seven, Revised Statutes of 1843, - - - - -	101	123, 145	168	
69	A bill in relation to a contractor on the Madison and Indianapolis railroad, - - - - -	102	125, 214	224	488 637
70	A bill to incorporate the Evansville Medical Society, and to authorize said medical society to organize and establish a medical college, - - - - -	102	282	296	559 622
71	A bill to encourage the killing of wolves, - - - - -	102	125		
72	A bill in relation to appeals and writs of error on writs of habeas corpus, - - - - -	102	125	168	
73	A bill to provide for the reappraisement of real estate heretofore appraised and subject to taxation, - - - - -	103	125, 135	135 488	639
74	A bill to alter the width of a State road from Connersville to St. Omer, - - - - -	106	124	141	198 313
75	A bill to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford, - - - - -	106	124	141	228 313
76	A bill for the benefit of the inhabitants of township one north, of range ten west, - - - - -	106	124	141	559 638
77	A bill to consolidate the land offices now located at Peru and Delphi, - - - - -	107	125		
78	A bill declaring a county road a State road, in Clay county, - - - - -	108	124	141	181 217
79	A bill relating to mortgages, - - - - -	110	187, 194		
80	A bill to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller, - - - - -	110	124	141	228 313



## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLE.	Introduced.	Proceedings before House.	Passed House.	Passed Senate.	Approved.
81	A bill to provide for the leasing of water power on the Wabash and Erie canal, - - - - -	110	125, 214	224	427	480
82	A bill in relation to the Wabash and Erie canal, - - - - -	110	110, 231, 471, 598			
83	A bill to amend the twenty-ninth and thirtieth chapters of the Revised Statutes, - - - - -	110	147, 168	195	198	634
84	A bill regulating the fees of petit jurors in Hancock county, - - - - -	110	124	141		
85	A bill declaratory of the meaning of an act entitled, "An act authorizing the commissioners of the Wabash and Erie canal east and west of Tippecanoe to sell lands in tracts of forty acres," - - - - -	111	126, 205, 282	619	630	640
86	A bill to authorize the trustees of the Vincennes University to bring suit against the State, and for other purposes, - - - - -	111	163	193	491	619
87	A bill to amend the law regulating the practice in the eleventh judicial circuit, - - - - -	111	187	194	495	632
88	A bill to amend the seventh and ninth articles of the thirtieth chapter of the Revised Statutes of 1843, - - - - -	111	146			
89	A bill to amend the Statutes regulating the duties of clerks of exectors' and administrators' sales, - - - - -	116	156	168	405	510
90	A bill for the relief of Thomas Carico of Knox county, - - - - -	119	157	168	278	412

91	A bill abolishing capital punishment, - - - - -	119	157, 305, 329, 371	373	495	556
93	A bill allowing additional compensation to grand and petit jurors in Clinton county, - - - - -	119	157, 168			
94	A bill to change the mode of appointing common school examiners of Orange county, - - - - -	121	157	168	228	312
95	A bill to authorize the superintendent of the Wabash and Erie canal to settle with William Sill of White county, - - - - -	122	188	169	228	312
96	A bill for the relief of John Drummond, - - - - -	121	157	179	228	313
97	A bill to locate a State road in Tippecanoe county, - - - - -	121	169	179	230	313
98	A bill to vacate part of the town of Plymouth, in Marshall county, - - - - -	121	169			
99	A bill to repeal so much of the Revised Statutes of 1843 as requires marriage license to be issued by clerks of the circuit court, - - - - -	122				
100	A bill to amend an act entitled, "An act to change the time of holding the probate courts in Martin county, - - - - -"	121	169	179	228	313
101	A bill to change the name of Edward C. Hawkins, - - - - -	121	169	179	228	313
102	A bill for the relief of the heirs of Michael Ross, deceased, - - - - -	121	169, 179			
103	A bill to modify the 30th section of chapter 16, of the Revised Statutes, - - - - -	121	170, 206	224	495	632
104	A bill increasing the per diem allowance of grand and petit jurors in certain counties, - - - - -	121	170, 190	191	300	411
105	A bill to repeal the ninth section of chapter thirty-five, of the Revised Statutes, - - - - -	121	173, 247, 250			
106	A bill to repeal a certain act therein named, - - - - -	121	173, 206, 215			
107	A bill to change the mode of districting hands to perform [labor] on public roads in Orange county, - - - - -	121	174	191	252	313
108	A bill to incorporate the Terre Haute Greys, - - - - -	121	164	164	252	313
109	A bill to dissolve the bonds of matrimony between William Martin and Susan Martin, of Warrick county, - - - - -	121	174	191	427	510

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE — Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
110	A bill to authorize a reappraisement and sale of school lands in Harrison county, - - - - -	128	174, 213	213	446	632
111	A bill to establish a district court in the counties of Marion, Allen, and Tippecanoe counties, - - - - -	128	128, 156, 517			
112	A bill to amend a certain act therein named, - - - - -	121	174	191		
113	A bill to change the time of holding courts in Adams county, - - - - -	121	174	174	228	313
114	A bill to repeal an act providing for the opening and repairing roads and highways and streams in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, - - - - -	122	174	191	325	411
115	A bill respecting examiners of teachers of common schools, - - - - -	131	174			
116	A bill to authorize the trustees of congressional township number twenty-eight north, of range twelve east, in Wells county, to lay off a town, - - - - -	132	175	191	324	411
117	A bill to authorize the treasurer of Pike county to perform the duties of school commissioner, - - - - -	133	169	169	198	237
118	A bill compelling the White Water canal company to make bridges, - - - - -	134	176, 214, 215			
119	A bill providing for the better preservation of Legislative papers, - - - - -	136	175	191	361	480
120	A bill to repeal a certain act therein named, - - - - -	137	175	191		

121	A bill to vacate a State road in Jefferson county,	-	-	-	137	176	191	278	317
122	A bill to provide for the election of township assessors,	-	-	-	140	268			
123	A bill to amend the seventh section of chapter seventy-second, of acts of 1843,	-	-	-	140	176, 399			
124	A bill to change the time of summoning petit jurors for Vigo county,	-	-	-	140	177	177	405	510
125	A bill to repeal the first section of an act amendatory of "An act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute," approved February 8th, 1843,	-	-	-	140	176			
126	A bill to dissolve the bonds of matrimony between Jared Ryker and Thuresey Ann Ryker,	-	-	-	140	175	191	408	510
127	A bill to abolish the office of county auditor of Ohio county,	-	-	-	140	175	191		
128	A bill declaring a certain road in the county of Dearborn a State road,	-	-	-	140	175	191	377	480
129	A bill in relation to county orders,	-	-	-	140	176	191		
130	A bill to amend the seventh article of the thirteenth chapter of the Revised Statutes,	-	-	-	140	177, 238			
131	A bill to abolish the office of county auditor in Johnson county,	-	-	-	140	176	191	405	510
132	A bill to legalize the election of Russell Mitchell a justice of the peace in Pleasant Run township, Lawrence county, and for other purposes,	-	-	-	140	177	177	230	312
133	A bill to amend an act entitled, "An act in relation to the proceedings of probate courts,	-	-	-	140	177, 236	259		
134	A bill fixing the time of holding courts in the fifth judicial circuit,	-	-	-	141				
135	A bill for the relief of William J. Chaplin,	-	-	-	140	177	191	377	480
136	A bill to amend section three hundred and twenty-six, chapter forty, of Revised Statutes,	-	-	-	140	177, 241	259	405	510
137	A bill to amend the practice in chancery,	-	-	-	140	177, 307			

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
138	A bill to revive certain acts relative to writs of ne exeat, - - -	145	178	192		
139	A bill to amend the first article of the fifty-third chapter of the Revised Statutes, - - - - -	146	178, 214, 307	374	495	632
140	A bill to provide for taking the sense of the qualified voters of this State on calling a convention to alter, revise or amend the constitution of this State, - - - - -	148	176	192	612	638
141	A bill to allow owners of partnership fences to remove the same, - - - - -	148	178, 238, 268	288	488	638
142	A bill changing the time of holding probate and circuit courts in Clarke county, - - - - -	148	176	192	407	504
143	A bill regulating the compensation of grand and petit jurors, - - -	149	170, 178			
144	A bill regulating the duties of county commissioners in this State, - -	150	176	192		
145	A joint resolution on the subject of procuring a law by Congress that when the sixteenth section in any congressional township cannot be sold for one dollar and twenty-five cents per acre that other lands may be selected in lieu thereof, - - - - -					
146	A bill to fix and establish the southern boundary line of Union county, - - - - -	153	176	192	488	556
147	A bill in relation to the sale of saline lands in Orange county, - -	154	159	192	252	313
		153	176			



148	A bill for the relief of the widow and children of Jesse Clinger, deceased, - - - - -	154	216	246	557	641
149	A bill to amend the fortieth section of the twenty-eighth chapter of the Revised Laws, - - - - -	154	186, 194			
150	A bill for the relief of the borrowers of the school fund loaned in the several counties, - - - - -	154	162	162		
151	A bill to amend the first article of the fiftieth chapter of the Revised Statutes, - - - - -	153	176	195		
152	A bill to amend section one hundred and one of the Revised Statutes, - - - - -	153	178	259	407	505
153	A bill for the relief of Felix Ingoldsbys, - - - - -	154	154, 237	151	407	510
154	A bill to amend section — and repeal section nine, chapter thirty, Revised Statutes, - - - - -	154	178, 240			
155	A bill to enable married women to acquire and hold separate property, - - - - -	154	178, 280			
156	A bill for the relief of purchasers of canal lands lying in the county of Cass, - - - - -	154	178, 214	224	491	637
157	A bill to incorporate the Logansport and Rochester Michigan road company, - - - - -	156	189, 198	407		
158	A bill to establish a certain State road therein named in Fountain county, - - - - -	164	179, 242	259	559	638
159	A bill to divorce Nancy Casto from Jonathan Casto, her husband,	164	179	192	228	312
160	A bill authorizing the county board of St. Joseph county to employ a physician for the poor, - - - - -	165	176	192	228	313
161	A bill relative to costs of transcripts, - - - - -	165	179, 236			
162	A bill to repeal an act entitled "An act to confine voters to their respective townships," approved January 13th, 1845, so far as relates to the county of Boone, - - - - -	165	178, 336, 461			

# BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
163	A bill for keeping canal bridges in repair,	165	178, 281			
164	A bill for the relief of purchasers of school lands in Randolph county, - - - - -	165	176	192		
165	A bill to change the name of Aberbeentown in Hamilton county,	165	176	192	630	641
166	A bill to amend an act entitled "An act to incorporate the Vevay and Napoleon turnpike companies," approved January 13, 1845,	165	179, 344	374	558	640
167	A bill reducing the salary of Agent of State, and for other purposes, - - - - -	182				
168	A bill to punish embezzlement in the same manner that grand larceny in now punishable by law, - - - - -	188	241	259		
170	A bill for the relief of John McIntyre, - - - - -	202	225, 417			
171	A bill dissolving the bonds of matrimony between Adam Shambaugh and Elizabeth Shambaugh, - - - - -	202	225	246	405	509
172	A bill to incorporate the Union Medical Society of Northern Indiana, - - - - -	203	283	296	559	638
173	A bill declaring a certain road therein named a State road, - -	203	225	246	405	510
174	A bill to survey and locate a road from Robinson's ferry, in Daviess county, to Harrisonville, in Martin county, - - - - -	203	225	246	405	510

175	A bill to dissolve the bonds of matrimony between Fredrick Hartzell and Rosanna Hartzell, - - - - -	204	226	246	488	540
176	A bill for the relief of the Wabash manual labor college and teachers' seminary, - - - - -	206	316, 226, 295	246	371	680
177	A bill for the relief of James Rutherford, - - - - -	207	226	246	614	640
178	A bill for the relief of borrowers of surplus revenue and other funds, - - - - -	207	227	403	246	640
179	A joint resolution on the subject of the price of public lands, - - - - -	209	224, 402	246	371	680
180	A bill for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased, - - - - -	219	255	256	408	504
181	A bill to remunerate justices of the peace for their services on the county board in Warrick county, - - - - -	209	226	246	300	411
182	A bill to legalize certain deeds therein named, - - - - -	209	226	227	444	540
183	A bill to correct the boundary line of Richardville county, - - - - -	209	226	227	427	504
184	A bill to incorporate the White river navigation company, - - - - -	210	345	374	489	632
185	A bill to amend an act therein named, - - - - -	210	210	224	407	505
186	A bill to reduce the fees of the recorder of Johnson county, - - - - -	209	226	246	428	539
187	A bill in relation to the fees of the auditors of the counties of Adams, Jay, and Jackson, - - - - -	209	226	246	324	411
188	A bill to secure a more economical management of the common school fund, - - - - -	209	226	226		
189	A bill to provide for the more effectual punishment of certain offences in Allen county, - - - - -	209	226	246		
190	A bill to regulate the time of holding circuit courts in Tippecanoe county, - - - - -	209	226	246		
191	A bill authorizing the president and trustees of Lafayette to purchase and hold real estate, - - - - -	209	226	246	300	411
192	A bill relative to supervisors of roads in the counties of Kosciusko and Whitley, - - - - -	209	226	246	377	488

# BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
193	A bill to authorize Roda Butler to mortgage certain real estate, -	209	226	246	377	505
194	A bill to extend the time of the board doing county business in the county of Tippecanoe, - - - - -	209	226	246	405	510
195	A bill to change the time of holding probate courts in Pike county, -	209	226	246	300	411
196	A bill to extend the provisions therein named to Madison county, -	211	232	246	408	510
197	A bill for the relief of the heirs of Michael Ross, deceased, - -	209	226	246	560	632
198	A bill to amend the justices of the peace act and to repeal the three hundred and thirty-fourth section of article fourteen, chapter forty-seven, of the Revised Statutes, - - - - -	209	228, 254			
199	A bill to repeal a certain section of the Revised Statutes, - -	210	226, 247, 260	273		
200	A bill to amend the twentieth chapter of the Revised Statutes, -	211				
201	A bill prescribing the mode of selecting petit jurors in Sullivan county, - - - - -	210	226	247	300	412
202	A bill to amend the Revised Statutes relative to stock and exchange brokers, - - - - -	210	228, 381			
203	A bill to repeal the one hundred and sixty-ninth section of chapter thirty-five of the Revised Statutes, - - - - -	211	256			

204	A bill defining the boundary line between Clark and Washington counties, - - - - -	211	232	232	405	510
205	A bill to amend an act entitled "An act to incorporate the Michigan road company south of Indianapolis, - - - - -"	210	228, 252	375	491	639
206	A bill changing the time of holding probate courts in Cass county, - - - - -	210	226	247	405	510
207	A bill for the benefit of supervisors in Scott county, - - - - -	210	251	252	428	540
208	A bill to repeal an act entitled "An act to provide for summoning grand and petit jurors, in Decatur and Warren counties, - - - - -"	210	226	247	324	411
209	A bill to extend the provisions of the Revised Statutes in relation to roads, to Posey county, - - - - -	210	226	247	405	510
210	A bill to amend the fortieth chapter of the Revised Statutes, relative to process, - - - - -	211	253	274	407	556
211	A bill to revive part of an act therein named, in Dearborn county, - - - - -	211	211	234	288	556
212	A bill transferring the duties of school commissioners in Daviess and Martin counties, to the treasurers of said counties, - - - - -	211	366	390	561	633
213	A bill to repeal an act entitled "An act," &c., - - - - -	210	226	247	405	510
214	A bill to change the mode of working roads, in Rush county, - - - - -	210	226	247	405	510
215	A bill to dissolve the bonds of matrimony between Benjamin Rosecrantz and Sarah Ann Rosecrantz, of Perry county, - - - - -	210	226	247	405	510
216	A bill to enable creditors to collect their debts, - - - - -	212	240	247	427	509
217	A bill for the relief of Barbara Ann May, - - - - -	210	226	247	427	509
218	A bill to incorporate the Female Seminary of St Mary's of the Woods, of Vigo county, - - - - -	217	249	259	408	509
219	A bill to detach a portion of Grant and attach it to Blackford county, - - - - -	204	228, 261			
220	A joint resolution on the subject of the reservoir, in Mercer county, Ohio, - - - - -	221	249	259	488	509



# BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

668

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
221	A bill prescribing the mode of advertising sales of lands mortgaged to the sinking fund, - - - - -	221	249	259	559	641
222	A bill providing for the election of an additional justice of the peace, in Montgomery county, - - - - -	221	249	259	405	504
223	A bill declaring a mistake in the Revised Statutes, relative to the boundary line of Fulton and Kosciusko counties, and for other purposes, - - - - -	222	249	259	504	
224	A bill to repeal part of an act therein named, - - - - -	223	249			
225	A bill to incorporate the Hoosier band, of Greenfield, - - - - -	223	249, 341	375	560	637
226	A bill for the relief of Nathan Coal, of Warrick county, - - - - -	233	249	259	405	510
227	A bill to authorize clerks of the circuit courts to administer oaths to certain persons therein named, - - - - -	233	249	259		
228	A bill to reduce the clerk's fees in the probate court, - - - - -	233	249, 307			
229	A bill to divide the State of Indiana into senatorial and representative districts, and to provide for the election of members of the General Assembly, - - - - -	233	249, 250			
230	A bill to amend certain sections of the Revised Statutes of 1843, relative to publication of notices, - - - - -	233	250, 304			

231	A bill for the relief of Benjamin Powell, and the heirs of Harris and Barnett, deceased,	233	250, 284	296	494	634
232	A bill to amend "An act fixing the time of holding courts in the fifth judicial circuit," approved January 13th, 1845,	233	250	274	407	510
233	A bill repealing a certain act therein named,	233	250, 311			
234	A bill to amend an act entitled "An act to incorporate the city of Fort Wayne, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,	233	282	296		
235	A bill extending the time of holding probate courts in Shelby county,	236	259	274	405	510
236	A bill to amend the tenth article of the Revised Statutes,	240	259, 277	310		
237	A bill to amend the sixty-fifth section of the fifty-fourth chapter of the Revised Statutes,	240	259	274	560	622
238	A bill regulating the mode of enforcing the collection of costs, in the several courts of this State,	241	259	274	408	
239	A bill to authorize the board of commissioners, in the county of Dearborn, to cause swinging gates across public roads, in said county,	242	259	274	427	510
240	A bill providing for the erection of a road bridge on the Wabash and Erie canal,	243	282	296	493	540
241	A bill for the relief of citizens of district number three, in congressional township number twenty-eight north, of range number three east, in Adams township, Cass county,	244	259	274	446	540
242	A bill to amend an act approved January 28, 1842,	244	349			
243	A bill in relation to the probate courts, in Henry county,	244	260	274	405	510
244	A bill to authorize Willis Hodges to substitute his note and mortgage to the State for that of Otis and William Page,	244	244	259	325	411
245	A bill relative to tax titles,	255	276	288	609	639
246	A bill to vacate a certain alley, in the town of Greencastle,	258	258	258	405	510

# BILLS AND JOINT RESOLUTIONS OF THE HOUSE — Continued.

670

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
247	A bill to prevent deputy clerks from practising law, in the counties in which they reside, - - - - -	260	276			
248	A bill prescribing the mode of advertising sales of delinquent lands, for non-payment of taxes, - - - - -	262	276	288	492	637
249	A bill for the relief of J. B. Coleman and others, of Daviess county, - - - - -	263	276	288	562	639
250	A bill to incorporate the Ohio and Indianapolis Railroad company, - - - - -	263	263	287	557	641
251	A bill for the relief of Alexander J. Line, of Wayne county, - - - - -	268	288, 303	327	493	
252	A bill for the relief of certain purchasers of school lands in Lost Creek township, in Vigo county, - - - - -	270	288	296	560	637
253	A bill changing the name of Dobsonville, in Jefferson county, to Chambersburgh, - - - - -	270	288	296		
254	A bill authorizing John Honestein to keep, maintain and improve his mills, on the St. Mary's river, in Allen county, - - - - -	270	288	296	446	540
255	A bill in relation to evidence, in cases where records have been destroyed by fire, - - - - -	271	304	327		
256	A bill to repeal the ninety-second, ninety-third and ninety-fourth sections of chapter fifteenth of the Revised Statutes, - - - - -	271	288	296		
257	A bill to correct the boundary line of Carroll county, - - - - -	271	288	288	427	505

258	A bill for the relief of Zera Sutherland, - - - - -	271	309		
259	A bill to subdivide certain school lands in the county of Randolph, belonging to congressional township number eight, in Monroe county, - - - - -	271	288	598	626
260	A bill for the relief of James Vawter, - - - - -	272	272	327	640
261	A bill locating a State road in the counties of Fulton and Marshall, - - - - -	272	280	296	447
262	A bill explanatory of the act of the 30th of January, 1842, relative to the Lawrenceburgh and Indianapolis Railroad Company, - - - - -	272	303		
263	A bill for the relief of Huldah Richardson, of Carroll county, - - - - -	272	289, 297, 314		
264	A bill for the relief of John Johnson, of Laporte county, - - - - -	272	272	272	405
265	A bill limiting the commencement of actions for the recovery of real estate, - - - - -	272	304	328	565
266	A bill for the relief of James Miller, - - - - -	272	351	351	446
267	A bill to reduce the salary of Agent of State, - - - - -	272	351		
268	A bill relative to the duties of county recorder, - - - - -	272	289, 307	328	441
269	A bill for the relief of purchasers of canal lands, - - - - -	281	296	315	562
270	A bill to assess a school tax in the counties of Adams and Jay, - - - - -	283	297	315	562
271	A bill to locate a State road in the counties of Ohio and Switzerland, - - - - -	284	297	315	441
272	A bill to extend an act to provide for the transfer of the surplus revenue funds, &c., approved February 11, 1843, - - - - -	285	285	285	560
273	A bill authorizing B. F. C. Lodge, late collector of Jefferson county, to collect arrearages of taxes, - - - - -	285	285	296	446
274	A bill for the relief of purchasers of school lands in Fulton county, - - - - -	285	308	328	
275	A bill relative to recording deeds and mortgages, - - - - -	285	297, 337		
276	A bill relative to jurisdiction of justices of the peace, - - - - -	285	297, 381	423	
277	A bill to prevent county auditors from practising as attorneys and counsellors at law in county commissioners' court, - - - - -	285	297	315	492
					632

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
278	An act to provide for the election of county surveyors in Fulton and Marshall counties, - - - - -	292	315	328	444	540
279	An act for the relief of Sarah Wallace, - - - - -	293	315	328	447	540
280	A joint resolution in relation to the public lands in the Vincennes district, in the State of Indiana, - - - - -	294	315	328		
281	A bill providing for the adjustment of a certain claim therein named, - - - - -	294	419			
282	A bill to incorporate the Wildcat Navigation Company, - - - - -	294	472	472	549	640
283	A bill allowing the commissioner of the Wabash and Erie canal to employ an engineer, - - - - -	295	345	375	559	637
284	A bill to incorporate the Madison Fire Insurance Company, - - - - -	295	295	612		
285	A bill granting the right of way to a company to construct a rail or turnpike road therein named, in Vermillion county, - - - - -	295	346		495	632
169	A bill to incorporate the Hagerstown Musical Institute, - - - - -	299	299	315		
286	A bill for the relief of Causby M. Lewis, - - - - -	310	310	310	361	411
287	A bill to change that part of the New Albany and Crawfordsville road which lies between Salem and New Albany to a railroad, to be constructed by a private company, - - - - -	310	345	345		
288	A bill to divorce John Burton, - - - - -	311	329	345	558	



289	A bill establishing a State road in the counties of Montgomery and Fountain, - - - - -	311	328	357	446	540
290	A bill to apportion Senators and Representatives for the next five years, - - - - -	314	389			
291	A bill defining the rights of landlord and tenant, - - - - -	318	461, 529, 592			
292	A bill for the relief of Jacob Jones, - - - - -	319	358, 366	390	492	556
293	A bill to authorize Nicholas McCarty to build a mill dam across White river, in Marion county, - - - - -	319	358, 437	484	559	638
H 294	A bill to amend and reduce into one the several acts relating to the corporation of the town of Vevay, - - - - -	320	358	537	565	640
295	A bill to amend an act incorporating the city of New Albany, - - - - -	320	358	358	493	
296	A bill to locate a State road in the counties of Miami and Madison, - - - - -	320	358	375	495	632
297	A bill to incorporate the Pendleton and Shelbyville Railroad Company, - - - - -	320	358	474	564	
298	A bill for the relief of Elizabeth Preston, - - - - -	321	358, 474	474	537	639
299	A bill for the relief of Susan Wheatley, - - - - -	321	359	375	446	540
300	A bill concerning road tax in the county of Wells, - - - - -	322	359	359	446	540
301	A bill authorizing the State Bank of Indiana to issue notes of a less denomination than five dollars, and for other purposes, - - - - -	322	359, 434, 484			
302	A bill to vacate the town of Blakesburgh, in Putnam county, - - - - -	323	359	359	446	
303	A bill to require plaintiffs in Washington county to give security for costs in certain cases, - - - - -	323	347	347		
304	A bill relative to the printing the school laws in the German language, - - - - -	323	359	520		
305	A bill for the relief of Robert Stockwell, of Gibson county, - - - - -	323	359	375	446	557
306	A bill for the relief of Eliza Ann Storm, of Marion county, - - - - -	323	359	359	446	540
307	A bill to amend the fourth article of chapter seven, Revised Statutes, - - - - -	323	359, 417	448	550	640
308	A bill legalizing the acts of a certain justice of the peace in Allen county, - - - - -	323	359	375	446	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE.—Continued.

Number.	TITLE.	Introduced.	Proceedings before House.	Passed House.		Passed Senate.		Approved.	
309	A bill relative to the collection of road tax, and to amend sections 105 and 106 of chapter sixteen, of the Revised Statutes of 1843,	323	381						
310	A bill in relation to the granting of tavern license in the county of Cass, - - - - -	323	359		375	446	539		
311	A bill amendatory of the third article of the sixteenth chapter, section ninety, of the Revised Statutes of 1843, - - - - -	323	359		375				
312	A bill declaratory of an act herein referred to, - - - - -	323	359		375				
313	A bill for the relief of Martha Jane Van Dusen, of Vanderburgh county, - - - - -	323	360		375	446	540		
314	A bill to subject certain lands to taxation, - - - - -	337	360, 404, 435		485	550	633		
315	A bill to define the powers of judges when acting on writs of habeas corpus and application for writs of injunction, - - - - -	337	360		360	494	556		
316	A bill authorizing district and township school trustees to administer oaths in certain cases, - - - - -	338	360		375				
317	A bill for the relief of the heirs of Henry Stephenson, late of Boone county, deceased, - - - - -	338	360		375	492	632		
318	A bill relative to apprentices, - - - - -	339	360		375	559	638		

319	A bill for the payment to Mary Wood and others of damages recovered by them against the State for injury to their lands by the construction of the Jeffersonville and Crawfordsville road,	346	376	390	550	639
320	A bill for the relief of messengers to notify electors of President and Vice President of the United States,	346	376	390	488	557
321	A bill to establish a State road in the counties of Dekalb and Allen,	347	376	390	493	632
322	A bill to authorize Aaron R. Sayre and Daniel Sayre to build a dam across the Mississinewa river, in Wabash county,	348	376	390	493	627
323	A bill to require certain statutes to be published in some newspaper in Indianapolis, and for other purposes,	350	376	390	550	641
324	A bill to amend the execution laws,	350	376, 617			
325	A bill to relocate a part of a certain State road in Marion county,	351	375	375	446	540
326	A bill to abolish the necessity of special legislation in Adams and Jay counties,	351	375	375	417	632
327	A bill to divorce Peter Johnson and Mary Johnson,	351	376	391	492	557
328	A bill to divorce Mary Ann Banks from her husband, Henry Banks,	352	376	391	492	632
329	A joint resolution removing the superintendent and censuring the clerk of the Indiana State Prison,	355	433			
330	A bill to amend the several acts providing for the preservation of the State House, State Library, and legislative papers,	347	376	391	494	556
331	A bill relating to interest,	362	519			
332	A bill amendatory of the third section of chapter fifty, of the Revised Laws of 1843,	362	463	463	621	641
333	A bill to declare a misprint in a certain case,	363	376	391	427	641
334	A bill to incorporate the Lawrenceburgh and Rushville Turnpike Company,	362	473	473	609	640
335	A bill for the relief of James Kitchen,	363	376	391	492	632

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

676

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
336	A bill to authorize the sale of certain school lands in township thirty-six, range two west, in Laporte county, - - - - -	362	362	408		510
337	A bill for the collection of road tax in the county of Hamilton, - - - - -	363	376	391	492	632
338	A bill to amend an act entitled, "An act to establish a free turnpike road in Jay county," - - - - -	363	376	391	562	633
339	A bill to repeal part of a certain act therein named, and for other purposes, - - - - -	362	381	423	612	627
340	A bill authorizing the superintendent of the Wabash and Erie canal to employ an engineer, - - - - -	363	472	537	612	640
341	A bill to explain certain sections of the Revised Statutes, - - - - -	363	518			
342	A bill for the relief of Lucinda Sparks, of Floyd county, - - - - -	363	377	377	427	632
343	A bill to authorize the State to take possession of the White Water Valley canal, and for other purposes, - - - - -	363	376, 429			
344	A bill to authorize the levying of a road tax in the county of Franklin, - - - - -	363	376	391	495	556
346	A bill to amend the school law, - - - - -	363	376			
347	A bill to amend the law regulating duties of supervisors of roads, - - - - -	363	376	391	549	633
348	A bill to extend the time of the commissioners' court in the county of Hamilton, - - - - -	363	376	391	488	632

350	A bill for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased, - - - - -	366	423	448	550	638
351	A bill to authorize Samuel J. Hege to construct a mill dam across the Tippecanoe river, in Fulton county, - - - - -	367	423	448	562	
345	A bill to authorize the commissioners of Carroll county to make a certain appropriation therein named, - - - - -	367	367	449	562	627
352	A joint resolution in relation to the Buffalo and Mississippi railroad, - - - - -	367	423	448	550	
353	A bill amendatory of an act entitled, "An act incorporating the town of South Bend, in St. Joseph county, - - - - -"	370	423	448	562	622
354	A bill supplementary to an act to incorporate the South Bend Manufacturing Company, - - - - -	370	423	448	550	641
355	A bill to vacate a part of the town of Independence, in St. Joseph county, - - - - -	370	423	448	562	638
356	A bill to legalize the judicial acts of John F. Merrill, late a justice of the peace in Huntington county, - - - - -	370	423	448	561	622
357	A bill to amend section twenty-seven, chapter seven, Revised Statutes 1843, in relation to allowances by county commissioners to sheriffs by county boards, - - - - -	370	423	448	550	639
358	A bill relative to the fees of the auditor of Monroe county, - - - - -	370	424	448	562	632
359	A bill to incorporate the Philomathean Society of Indiana University, - - - - -	370	425	425	561	627
360	A bill to amend the act in relation to suits at law and the proceedings therein, - - - - -	370	519			
361	A bill in relation to collectors of State and county revenues, - - - - -	370	425	516	612	639
362	A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville, - - - - -	371	423, 439, 469,	[497, 509	594	622
363	A bill declaring a road therein named a State road, - - - - -	382	424	449	562	634
364	A bill to attach Tippecanoe county to the eighth judicial circuit, - - - - -	395	425	425		



## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLE.	Introduced.	Proceedings before House.	Passed House.	Passed Senate.	Approved.
365	A bill amendatory of the several acts relative to the New Albany and Vincennes road, - - - - -	395	424	448	564	
366	A bill to locate a State road in the counties of Bartholomew, Decatur and Jennings, - - - - -	396	424	448	562	632
367	A bill to define the lines of a certain school district in Clay county, - - - - -	396	396	396	492	632
368	A bill for the relief of the heirs of Captain Richard McCarty, - - - - -	396	396	396	494	557
369	A bill giving the Frankfort road commissioners certain powers, - - - - -	397	397	397	492	633
370	A bill granting additional powers to the president and trustees of the town of Dublin, - - - - -	398	424	448	562	622
371	A bill for the relief of E. J. Peck, - - - - -	398	424	448	550	639
372	A bill to repeal certain acts therein named, - - - - -	399	424	449		
373	A bill for the relief of James S. Mays, late school commissioner of Knox county, - - - - -	399	424	448	550	630
374	A bill to vacate a public highway in the county of Greene, - - - - -	400	400	400	493	556
375	A bill to authorize and permit John Carter, of Brown county, to relinquish a part of certain saline lands in Brown county, - - - - -	400	424	449		

376	A joint resolution transferring a certain book from the State Library to the State University, - - - - -	402	424	449	612	639
377	A joint resolution for the reduction of the price of public lands, - - - - -	403	424	449	616	640
378	A joint resolution extending the provisions of an act therein named, - - - - -	403	424	448		505
379	A bill to amend "An act to incorporate the Buffalo and Mississippi Railroad Company, - - - - -"	403	403	403		
380	A bill to authorize the sale of a school section in Jay county, - - - - -	403	425	425	561	622
381	A bill for the divorce of Arthur E. Williams, - - - - -	404	438	485	550	633
382	A bill appointing a board of superintendents to superintend the changing or deepening the channel of, or leveeing the banks of Jordan creek, in Honey Creek township, Vigo county, and for other purposes, - - - - -	404	404	404	494	556
383	A bill to vacate part of the village of Mishawaka, in St. Joseph county, - - - - -	404	404	404	494	556
384	A bill authorizing the commissioners of Henry county to reduce the width of a county road, - - - - -	403	424	449	612	639
385	A bill to establish an additional election precinct in Union township, Perry county, - - - - -	403	425	425	561	633
386	A bill granting the city of Lawrenceburgh a charter, and for revising and repealing all laws heretofore enacted on that subject, - - - - -	404	404	531	621	
387	A bill legalizing the election and official acts of William H. Parmelee as probate judge of Wells county, - - - - -	403	424	424	562	633
388	A bill to legalize the assignment of certificates to certain school lands in this State, - - - - -	403	425	425	561	633
389	A bill to provide for a free turnpike road in Steuben county, - - - - -	403	424	448	549	638
390	A bill for the relief of Henry D. Smith, - - - - -	403	424	447	550	639
391	A bill fixing the time of holding courts in the third judicial circuit, - - - - -	404	529	529	612	638
392	A bill for the relief of Indiana Young, - - - - -	403	424	448	559	639

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
393	A bill for the divorce of Robert Hemphill, of Monroe county, -	404	424	448	559	634
394	A bill making general appropriations for the year 1846, -	415	449	485	612	640
395	A bill to provide for the payment of the members and officers of the General Assembly, -	415	419	485	565	638
396	A bill amending the twenty-fifth section of chapter twelve, of the Revised Statutes of 1843, -	416	449	485	621	640
397	A bill relative to the organization of the militia, -	418	449	485		
398	A bill for the relief of Chapel W. Brown, of Laporte county, -	418	450	613		
398	A bill to amend an act entitled, "An act to incorporate the Terre Haute Draw Bridge Company," -	429				
399	A bill to incorporate the Milton and Lewisville Turnpike Company, -	429	429	613		
400	A bill to authorize the auditor of Madison county to sell certain lands for the benefit of common schools in said county, -	429	429	448	562	633
401	A bill to amend the seventh chapter of section seventy-four, of the Revised Statutes, -	429	437	485	565	638
402	A bill for the relief of Rufus A. Lockwood, -	432	517	517	550	638
403	A bill to vacate a part of a State road in Bartholomew county, -	435	435	435	561	634
404	A bill for the relief of Jacob Whisler, -	435	435	485	550	630

405	A bill to define the channel of Turtle creek, in Sullivan county, -	436	485	537	612	638
406	A bill to incorporate the Fort Wayne and Cambridge City Railroad Company, - - - - -	436	436	613		
407	A bill to locate a State road in Noble county, - - - - -	437	437	437	561	622
408	A bill to incorporate the town of Hagerstown, - - - - -	438	438	438	561	622
409	A bill declaratory of, and to amend an act entitled, "An act authorizing Joseph Quinn and James Norvell to erect toll bridges, -	438	438	438	550	639
410	A bill to authorize a re-survey of section nineteen, township three south, range five east, in Harrison county, - - - - -	439	439	439	561	634
411	A bill legalizing the establishment of all State and county roads in Elkhart county, - - - - -	441	486	486	566	637
412	A bill for the relief of John Patterson, of Boone county, - - -	442	412	412	550	640
413	A bill for the relief of John Davis, of Orange county, - - -	442	485	537	612	638
414	A bill relative to supervisors in the counties of Clinton and Carroll, -	442	442	485	550	
415	A bill to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes, - - - - -	442	442	442		
416	A bill to incorporate the Northern Central Canal Company, - - -	442	486, 614			
417	A bill to extend the time of holding the probate court in Parke county, - - - - -	442	442	442	565	637
418	A bill for the relief of the widow and heirs of Thomas Murphey, deceased, - - - - -	442	442	442	561	637
419	A bill relative to certain lots in Indianapolis, - - - - -	442	486			
420	A bill regulating the time of holding probate courts in Greene county, - - - - -	442	442	442	561	622
421	A bill to obtain the necessary amount of water at the summit level of the Wabash and Erie canal by a feeder from the St. Mary's river, - - - - -	442	618			

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLE.	Introduced.	Proceedings before House.	Passed House.	Passed Senate.	Approved.
422	A bill to locate a State road from Troy, on the Ohio river, to Hills-	442	477	530		
423	borough, in Martin county, - - - - -				562	633
424	A bill for the relief of Henry Mancel and the widow and heirs of	443	443	443		
425	John Reed, deceased, - - - - -	443	485	537		
426	A bill for the relief of Jacob Einshaller of Blackford county, -					
	A bill extending the time of payment to purchasers of canal lands	443				
	five years from and after the first Monday in October, 1817, -					
427	A bill to provide for a settlement with the superintendent of the	443	443	537	626	641
	State prison, - - - - -					
428	A bill to exempt from taxation for corporation purposes, certain	443	443	485	550	641
429	lands within the limits of Lawrenceburgh, - - - - -	443	443	443	559	634
430	A bill for the relief of Mary Ann Bruner, - - - - -	443	443	486	565	634
	A bill to repeal an act, &c., approved January 6, 1845, -					
431	A bill to legalize the proceedings of the board of trustees of the	443	443	443	562	627
432	town of Rising Sun, - - - - -	443	443	443	562	627
	A bill to legalize the acts of Daniel B. Redman, - - - - -					
	A bill to change the mode of doing probate business, and to reor-	451				
	ganize the circuit courts, - - - - -					



433	A bill for the relief of county auditors,	- - - -	451	486	537
434	A bill to provide for the payment of the expenses of surveying and locating the Wabash and Ohio canal from Terre Haute to Evansville,	- - - -	452	486, 516	591 607 622
435	A bill to provide for the payment of the damages assessed on the Wabash and Erie canal, west of the Tippecanoe river, in par funds,	- - - -	459	486, 617	
436	A joint resolution of the General Assembly of the State of Indiana, in relation to Col. John Spencer's settlement with the United States, as late receiver in the land office of the United States at Fort Wayne,	- - - -	459	460	460 488
437	A joint resolution providing for the annual publication of Washington's farewell address with the Governor's message,	- - - -	460	460	460 562 637
438	A joint resolution in relation to the signers of the Declaration of Independence,	- - - -	460	460	485 565 638
439	A bill relative to the change of a State road in Boone county,	- - - -	460	460	460 562 627
440	A bill to amend the road laws in Tipton county,	- - - -	461	461	461 621 633
440	A bill to amend the several acts for the regulation of the State Prison,	- - - -	469		
441	A bill to incorporate the New Albany and Corydon turnpike company,	- - - -	471	542	592 621 641
442	A bill to exempt certain property therein named from execution,	- - - -	475		
443	A bill to locate a certain road therein named,	- - - -	475	475	475 638
444	A bill in relation to vending clocks in Tipton county,	- - - -	476	476	
445	A bill to incorporate the Knightstown and Shelbyville railroad company,	- - - -	477	477	477 552 640
446	A bill to incorporate the Hagerstown and Newcastle turnpike company,	- - - -	478	478	478 616 641

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Approved.</i>
447	A bill for the relief of the securities of William H. Darnell, -	478	478	478	566	622
448	A bill to provide for doing county business in the county of Clay, -	478	478	478	565	638
449	A bill for the relief of owners of wet land in Allen county, -	479	479	479	565	638
450	A joint resolution relative to the State road from the St. Mary's river to the Wabash and Erie canal, - - - -	481	481	481	565	638
451	A joint resolution for the perpetuity of republican institutions, -	481	542			
452	A bill fixing the time of holding courts in the ninth judicial circuit, -	482	482	482	566	
453	A bill providing for the safety of the mortgages to the trust funds, -	482	529	530	612	638
454	A bill to amend the estray law, - - - -	482	517	591		
455	A bill to allow the teachers and pupils of the deaf and dumb asylum the use of the books in the State library, - - - -	482	482	482	621	640
456	A bill to amend an act incorporating the Indiana mutual fire insurance company, - - - -	482	482	482	611	638
457	A bill to save expenses to the people, - - - -	482	482			
458	A bill authorizing a settlement with Spears and Case for work done on the side cut at Delphi, in Carroll county, - - - -	482	528	528	550	633
459	A bill repealing section nine, of chapter nine, of article one, of Revised Statutes of 1843, - - - -	482	592			

460	A bill to incorporate the Madison and Napoleon turnpike company,	482	482	482	550
461	A bill to vacate part of the plat of the town of South Bend, -	482	482	482	565
462	A bill relative to the west line of the county of Marion, -	482			632
462	A bill for the relief of William Young et al. of Madison county,	490	512		
462	A bill to locate a State road therein named, -	495	495	495	565
463	A bill to locate a certain State road therein named, -	495	495	495	565
464	A bill to amend an act entitled "An act to incorporate the Laporte university, -	495	495	495	565
465	A bill to furnish Tipton county with the Revised Statutes of 1838,	495	495	495	565
466	A bill to incorporate the Madison cemetery, -	495	495	495	565
467	A bill prescribing a uniform mode of ascertaining by weight the quantity of lime that shall pass for a standard bushel in this State,	496	542		
468	A bill explanatory of a certain act therein named, -	513	513	513	612
469	A bill extending the time of holding courts in the sixth judicial circuit, -	513	513	513	612
470	A bill to authorize the treasurer of Richardville county to sell lands returned delinquent for the non-payment of taxes, -	513	513	513	621
471	A bill allowing the Secretary and Auditor of State a compensation for issuing land patents, -	513	513	592	611
472	A bill to amend the 218th section of the 13th chapter of the Revised Code, page 267, -	513	513		621
473	A bill to amend an act therein named, -	513	513	513	612
474	A bill for the relief of Andrew Richardson, -	513	513	513	612
475	A bill to provide for the appointment of township assessors and defining their duties, in Tipton county, -	513	513	513	612
476	A bill to dissolve the bonds of matrimony between Rowley McRay, and Sarah McRay, -	513	513	513	612
477	A bill for the relief of E. F. Lucas, -	514	513	598	616
					640
					640

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLE.	Introduced.	Proceedings before House.	Passed House.	Passed Senate.	Approved.
478	A bill declaring a county road running through a part of the counties of Clay and Putnam a State road, - - - - -	513	513	513	612	639
479	A bill empowering Rachael Blair, executrix of Enos Blair, deceased, formerly collector of Monroe county, to collect arrearages of taxes, - - - - -	513	513	513	612	639
480	- - - - -	514	617			
481	A bill to raise a revenue for the year 1846, - - - - -	514	553	553	616	640
482	A bill amendatory of the school law, - - - - -	522	522	591		
483	A joint resolution authorizing Hyacinth Lasselle, of Cass county, to sue the State, - - - - -	524				
484	A bill to enable Andrew T. Hatfield and others to build a certain bridge therein named, - - - - -	525				
485	A bill to provide for the payment of the expenses of selecting and classifying the lands granted by Congress for the completion of the Wabash and Erie canal from Terre Haute to Evansville, -	527	571		607	622
486	A bill to revive and continue certain provisions of an act entitled, "An act to incorporate the Hagerstown and Winchester Turnpike Company," - - - - -	530	530	530	612	638

487	- - - - -	531	531		
488	A joint resolution relative to the naturalization laws, - - -	535	535	535	641
489	A bill in relation to the five per centum damages in selling lands forfeited to the sinking fund, - - - - -	535			
490	A bill to establish a land office for the sale of the lands granted by Congress for the prosecution and completion of the Wabash and Erie canal from Terre Haute to Evansville, - - - - -	542	572		
491	A bill to locate a road from Greencastle, in Putnam county, to Covington, in Fountain county, - - - - -	542			
491	A bill to authorize the school commissioner of Hendricks county to settle with Byron Murray, - - - - -	549	613		
491	A joint resolution on postage, - - - - -	571			
493	A bill making specific appropriations for the year 1846, - - -	573	573	602	640
494	A joint resolution on the subject of the Wabash and Erie canal from Terre Haute to Evansville, - - - - -	596	596	596	
495	A bill amendatory of an act providing for an additional place of holding elections in Vermillion county, - - - - -	601	601	601	641
495	A bill to establish a free turnpike road in Allen county, - - -	614	614	614	640



## BILLS AND JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

Number.	TITLE.	Reported from Senate.	Proceedings before House.	Passed House.
1	A joint resolution upon the subject of the western waters, - - - - -	71	71	71
2	A joint resolution legalizing the acts of Henry Strickland, a justice of the peace of Greene county, - - - - -	71	71, 94	111
4	A bill authorizing the personal property of Lyman G. Bellamy, late of Allen county, deceased, to be sold at private sale, - - - - -	71	89	111
1	A bill for the improvement of roads in certain counties, - - - - -	71	88	134
2	A bill to reduce the salary of the auditor of Sullivan county, - - - - -	71	89	111
3	A bill to authorize the holding of special terms of the circuit court in the twelfth judicial circuit, - - - - -	71	72, 207, 224	276
5	A bill dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans, - - - - -	71	89, 100	100
8	A bill to legalize an election therein named, in the county of Crawford, - - - - -	127	127, 163	163
13	A bill in relation to the Lawrenceburgh and Napoleon Turnpike Company, - - - - -	127	156	165
34	A bill to correct a mistake in a certain act therein named, - - - - -	179	179	179
31	A bill to raise the fees of jurors in the several counties therein named, - - - - -	180	180	245
38	A bill to incorporate the Lutheran church in Franklin county, - - - - -	180	192, 216	207
17	A bill to amend the ninety-fourth section of chapter twelve, Revised Statutes, - - - - -	180	180	194
3	A joint resolution on the subject of overflowed public lands, - - - - -	182	192	

20	A bill to repeal an act to reduce the prices paid for ferriages in Lawrence county, approved January 15, 1844, and to revive the general law,	180	180	190
9	A bill to reduce the fees of pilots, and for other purposes,	182	192	192
11	A bill for the relief of Francis Lafontaine,	182	192	194
7	A bill to attach the county of Tipton to the eleventh judicial circuit, and to fix the time of holding courts in said circuit,	182	192	194
32	A bill regulating the jurisdiction of justices of the peace in Miami county,	182	192	245
56	A bill providing for the improvement of roads in the several counties therein named,	196	225	224
57	A bill authorizing the commissioners of the counties of Fountain and Jefferson to employ a physician for the poor,	196		160
60	A bill to correct a misprint in an act entitled, "An act for the relief of the administrators of John Coce, late of Dearborn county, deceased,"	196		245
15	A bill to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana,	196	218	245
16	A bill authorizing the Church of God meeting on Walnut street, in the town of Jeffersonville, to elect trustees and sell their property for the payment of their debts,	196	224	245
55	A bill to compensate supervisors in the county of Morgan,	197	225	245
59	A bill to incorporate the Brookville Manufacturing Company,	197	225, 282	296
50	A bill to vacate a certain street in Cambridge City,	197	224	245
74	A bill defining the manner of selecting petit jurors in Morgan county,	197	225	225
18	A bill to authorize the sale of school lands in township two south, of range one west, in the county of Crawford,	197	225	225
19	A bill to authorize additional compensation to the auditor of Morgan county,	197	225	245
58	A bill to amend an act entitled, "An act to incorporate the Young Men's Literary Association of Richmond, Wayne county, Indiana," approved February 15, 1839,	197	220	245

## BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	TITLE.	Reported from Senate.			Proceedings before House.			Passed House.		
		197	225,	319	197	225,	319	357		
51	A bill to provide for the permanent seat of justice of Noble county, -									
12	A bill to remove the disability of Francis Lafontaine, Catharine Richardville, La Blond Richardville, and Susan Richardville to sell and convey real estate, and to legalize any sales that may have been made by them, or either or any of them, previous to the passage of this act, - - -	197	225		197	225		245		
33	A bill repealing an act making canal scrip receivable for tolls and water rents on the Wabash and Erie canal, approved February 8, 1843, - - -	197	197		197	197		598		
79	A bill to locate a State road in Dearborn and Ripley counties, - - -	229	248		229	248				
71	A bill to amend an act entitled, "An act abolishing the office of county auditor in certain counties therein named," approved January 15, 1844, - -	229	248		229	248				
76	A bill in relation to the duties of county treasurers in the counties of Laporte, Porter, Lake, and Miami, - - -	229	248		229	248				
39	A bill to authorize a settlement between the State and Allen McClain, of Morgan county, - - -	229	242		229	242		242		
78	A bill to repeal an act relative to a certain State road in Wayne county, -	229	248		229	248		258		
21	A bill to establish a State road in the counties of Putnam and Clay, - -	229	248		229	248		258		
45	A bill authorizing judges of probate courts to take acknowledgments of deeds and other instruments, and for other purposes, - - -	230	248		230	248		258		

79	A bill to amend an act entitled, "An act to incorporate the Buffalo and Mississippi Railroad Company," approved February 6, 1835,	-	-	230	248, 266	286
88	A bill to extend the time of the February term of the Franklin circuit court,	-	-	231	248	258
7	A joint resolution in relation to the improvement of the river Ohio,	-	-	231	248	258
8	A joint resolution in relation to the election of the superintendent of the New Albany and Vincennes road,	-	-	231	263	273
66	A bill to extend further time to borrowers of the sinking fund,	-	-	251	275	327
92	A bill legalizing the acts of the auditor and school commissioner of Lagrange county,	-	-	251	274	286
94	A bill to amend an act entitled, "An act incorporating the Dearborn County Cotton Manufacturing Company, and for other purposes,"	-	-	251	275, 343	374
62	A bill to amend the laws now in force in this State regulating the duties of executors, administrators, and guardians,	-	-	251	305, 460	
95	A bill for the relief of Martha Ann McCune, of Floyd county,	-	-	251	275	361
43	A bill in relation to taking up estrays,	-	-	251	275, 298	314
84	A bill to authorize the names of insolvent persons to be stricken from the tax duplicates,	-	-	251	275	
49	A bill to authorize the reappraisement of school lands in certain cases,	-	-	251	274	286
80	A bill for the relief of Joseph and Maria Rudman, of Franklin county,	-	-	251	274, 286	289
28	A bill to incorporate the Rising Sun Manufacturing Company,	-	-	251	274, 344	374
68	A bill to amend the revenue laws,	-	-	251	277	
91	A bill abolishing the highway tax in Morgan county,	-	-	251	275, 437	484
90	A bill for the relief of Victor A. Pepin, of Floyd county,	-	-	251	274	286
100	A bill to vacate a part of the town of Waterloo, in Fayette county,	-	-	251	274	286
108	A bill to amend an act entitled, "An act to locate a State road in the county of Marshall," approved January 13, 1845,	-	-	251	274	
101	A bill for the relief of the heirs of James McLeery, of the county of Franklin,	-	-	251	274	286
105	A bill to locate a State road in the counties of Fountain and Warren,	-	-	278	424	447

## BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>
121	A bill to establish a State road in Scott county, - - - - -	299	315	327
120	A bill to prohibit the county court of Scott county from levying a tax therein named, - - - - -	299	315	327
111	A bill establishing an additional place of holding elections in Bartholomew county, - - - - -	299	315	327
36	A bill to vacate part of a State road in Franklin county, - - - - -	299	315	327
115	A bill to repeal the corporation law so far as Lexington is concerned, - - - - -	299	315	327
127	A bill to vacate a certain alley in the town of Plymouth, - - - - -	299	315	327
116	A bill to authorize the people of Fayette and other counties to elect their seminary trustees, - - - - -	299	315	327
81	A bill to provide for the remuneration of Sylvester House, of Syracuse, New York, for the arrest of Joseph Gould, a fugitive from justice from the State of Indiana, - - - - -	301	301	301
145	A bill changing the venue in the case of Silas Doty from Allen county, in the twelfth judicial circuit, to Elkhart county, in the ninth judicial circuit of Indiana, - - - - -	317	317	317
133	A bill for the relief of Isaac Cowen and George Conrad of Pike county, - - - - -	324	395	395



139	A bill to provide for the erection of a monument on the Tippecanoe battle ground, - - - - -	324	417	447
135	A bill to amend an act to incorporate the Lawrenceburgh and Harrison Turnpike Company, approved February 6, 1836, - - - - -	324	358, 473	536
73	A bill to incorporate the Peru and Indianapolis Railroad Company, - - -	324	357	472
132	A bill for the leveeing Shaker prairie on the Wabash river, - - - - -	324	358	374
123	A bill to amend an act entitled, "An act to provide for erecting a bridge across Laughery creek, in Ripley county," approved January 28, 1845, - - -	325	358	374
118	A bill to incorporate the Wabash Navigation Company, - - - - -	325	347	374
134	A bill vacating a part of Howard street and certain alleys in West Richmond, - - - - -	325	325	374
22	A bill for the relief of settlers on the Wabash and Erie canal, - - - -	325	357	374
136	A bill to amend "An act to incorporate the Indiana Church," approved December 7, 1810, and an act amendatory thereof, approved January 22, 1818, - - - - -	325	358	452
112	A bill to incorporate Port Fulton, in Clark county, - - - - -	326	357, 473	536
119	A bill to provide for the continuation of the Madison and Indianapolis railroad to Pendleton, Huntsville, and Andersonstown, - - - - -	326	357, 382	423
146	A bill changing the venue in the case of the State against Silas Doty from Allen county, in the twelfth judicial circuit, to Elkhart county, in the ninth judicial circuit of Indiana, - - - - -	326	326	326
96	A bill to incorporate the Lafayette Hydraulic Company, - - - - -	362	375, 430, 484	
75	A bill relative to the northern division of the Central canal, - - - -	362	375, 419	448
67	A bill to apportion Senators and Representatives for the next five years, - - - - -	377	391	422
70	A bill reducing the salary of the auditor of Putnam county, - - - -	377	426	
89	A bill in relation to the Wabash and Erie canal lands, - - - - -	377	426, 528	592
76	A bill to amend an act relative to the school fund in Lagrange county, - - - -	377	425	447
46	A bill repealing the law allowing certain fees to county auditors, - - -	377	391	
71	A bill to incorporate the Crawfordsville and Wabash Railroad Company, - -	377	382	423

## BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	TITLE.	Reported from Senate.	Proceedings before House.	Passed House.
53	A bill to provide for the continuation of the Madison and Indianapolis rail- road to Lafayette, - - - - -	377	391	420
106	A bill abolishing the road tax in the county of Daviess, - - - - -	377	425	447
109	A bill in relation to county auditors, - - - - -	378	426, 464	536
126	A bill for the relief of Martin Fitzpatrick, of Daviess county, - - - - -	378		
129	A bill to vacate sixteen lots in the town of Harrisonville, - - - - -	378	425	447
137	A bill to revive and amend a certain act therein named, - - - - -	378	425	447
148	A bill to provide for the distribution of certain public documents, - - - - -	378	425	447
25	A bill in relation to county treasurers, - - - - -	406	518	518
131	A bill to amend an act entitled, "An act regulating the fees and salaries of the several officers and persons therein named, - - - - -"	406	426, 532	
153	A bill fixing a certain annual compensation to the auditor of Boone county, - - - - -	406	426	426
146	A bill to change the location of the feeder dam on Sugar creek, in Parke county, - - - - -	406	426	471
98	A bill prohibiting the sinking fund commissioners from relinquishing mortgaged lands in certain cases, - - - - -	406	426	
147	A bill for the relief of Owen McMannes of Martin county, - - - - -	406		
65	A bill for the relief of Thomas Murphey, - - - - -	229	292	314

152	A bill to divorce Cynthia Duvault from William W. Duvault, her husband; also, Blista Ann Huffman from her husband Jacob Huffman, - - -	406	425	447
10	A joint resolution on the subject of liens upon real estate, - - -	406	463	463
93	A bill relative to the water power at Northport, in Noble county, - - -	407	471, 545	536
102	A bill for the relief of Abraham Paynter of Henry county, - - -	407	426	426
29	A bill to incorporate the Richmond and Miami Railroad Company, - - -	407	425	448
12	A joint resolution for the continuation and completion of the Cumberland road, - - - - -	407	425	447
9	A joint resolution on the subject of the Oregon boundary, - - - - -	407		
176	A bill to authorize the president and trustees of the town of Lafayette, in Tippecanoe county, to open and grade streets and construct side-walks in said town, - - - - -	408	426	426
166	A bill to divorce Matilda Knight, of Clay county, from her husband Samuel Knight, - - - - -	427	449	484
156	A bill amendatory to an act authorizing the president and council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon turnpike company, - - - - -	428	449	484
150	A bill in relation to the bridge over White river, in Marion county, - - -	428		
204	A bill for the relief of William Starks, - - - - -	428	428	428
149	A bill for the relief of Survilor Jane Neil, late Endeiley, - - - - -	428	449	484
205	A bill to locate a State road in Warren and Fountain counties, - - -	428	449	484
212	A bill to authorize the board doing county business in the county of Scott to adjust the accounts of Jacob A. Jackson, late Treasurer of Scott county, - - -	429	429	429
161	A bill providing for the better payment of the mortgages due the University fund, - - - - -	444	520	520
104	A bill to incorporate the Fort Wayne and Lima Turnpike Company, - - -	444	487	536
170	A bill to extend the Burlington and Lafayette State road, - - - - -	444	531	592
162	A bill to amend an act relative to claims for damages on public works, - - -	444	487	536

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>
114	A bill to amend an act relative to the asylum for the education of the deaf and dumb, - - - - -	444	521	522
40	A bill supplemental to an act entitled "An act for the relief of Nathan Burchfield, - - - - -"	444	486	536
174	A bill to provide for the appointment of township assessors in the counties of Monroe and Morgan, - - - - -	444	487	556
188	A bill to extend an act entitled "An act to provide for a more efficient mode of expending the road tax," to Kosciusko county, - - - - -	444	487	536
151	A bill to incorporate the White river Presbyterian church and society, in Greene county, - - - - -	444	487	536
190	A bill for electing an additional justice of the peace in Hendricks county, - - - - -	445	487	536
185	A bill to incorporate the Covington band of musicians, - - - - -	445	487	536
167	A bill in relation to vending intoxicating liquors in Floyd county, - - - - -	445	487	536
186	A bill to extend the provisions of a certain act in the county of Allen, - - - - -	445	487	536
172	A bill in relation to the Laporte county library, - - - - -	445	487	536
141	A bill for the relief of William Phillips of St. Joseph county, - - - - -	445	487	536
177	A bill for the relief of the estate of Israel Phillips, late of Marion county, deceased, - - - - -	445	486, 516 487	536

171	A bill for the relief of Sarah Gregory of Laporte county, - - -	445	487	537
194	A bill for the relief of Peter N. Clark of Marion county, - - -	445		
192	A bill legalizing a certain record of the board of commissioners of Marshall county, - - -	445	487	537
180	A bill to dissolve the bonds of matrimony heretofore and now existing between William Beckford and Elizabeth Beckford, - - -	445	487	536
191	A bill for the relief of Ann Evans of Martin county, - - -	445	487	537
182	A bill to incorporate the Rockville and Montezuma railroad company, -	445	487	536
154	A bill to incorporate the Fort Wayne and Plymouth turnpike company, -	445	487	536
211	A bill authorizing the recording of a road in Steuben county, - - -	445	487	536
169	A bill for the relief of Moses Noble of Vanderburgh county, - - -	445	445	484
13	A joint resolution establishing the per diem allowance of associate and probate judges of Tippecanoe county, - - -	445	486	536
199	A bill to incorporate the Mount Carmel Hall of Liberty, in Franklin county, -	489	541	592
200	A bill authorising the erection of suitable buildings for the use of the lunatic asylum, - - -	489	523	523
202	A bill amendatory of the several acts incorporating the town of Indianapolis, - - -	489	541	
203	A bill for the relief of Benjamin H. Scott of Miami county, - - -	489	489	489
207	A bill for the relief of the securities of William Johnson, late collector of Sullivan county, - - -	489	541	541
6	A joint resolution on the subject of vacant lands in the State of Indiana, -	489	540	592
217	A bill for the relief of the legal representatives of George W. Blasdell, deceased, - - -	492	541	
168	A bill to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county, - - -	492	541	541
223	A bill transferring the duties of the agent of the surplus revenue, in Scott county, to the school commissioner, - - -	492	541	592



BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>
213	A bill giving the right to voters of Marion county to decide as to authorizing license to retail spirituous liquors in their townships, - - - -	492	541	
164	A bill for the relief of James P. Creager of Knox county, - - - -	493	541	592
197	A bill to amend an act regulating the fees and salaries of the several officers and persons named therein, - - - -	493	541	
215	A bill extending the time of holding courts in the county of Marion, - -	493	541	
219	A bill relative to the June term of the circuit court, - - - -	493	541	
195	A bill in relation to certificates and patents of Michigan road lands, - -	493	541	541
224	A bill authorizing the removal of obstructions in Big creek, in Posey county, -	493	541	592
225	A bill to repeal an act therein named so far as the counties of Monroe and Owen are concerned, - - - -	493	493	493
222	A bill to locate a State road in Shelby county, - - - -	493	541	541
232	A bill to repeal an act to authorize the election of two additional justices of the peace in Shelby county, - - - -	493	541	
15	A joint resolution in relation to the Indiana historical society, - - -	494	541	541
229	A bill to adjust the water power now used by James S. Hoagland, - - -	494	541	541
220	A bill repealing part of an act entitled "An act declaring the Mississinewa river a public highway, - - - -"	493	541	

163	A bill leasing the Indiana State prison,	-	-	-	-	542	457
235	A bill for the relief of Nancy Pickett of Switzerland county,	-	-	-	-	493	541
160	A bill for the relief of John C. Parker,	-	-	-	-	551	596
226	A bill amendatory of an act entitled "An act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes,	-	-	-	-	551	596
241	A bill for the relief of Henry Chase of Cass county,	-	-	-	-	551	619
249	A bill for the relief of Theodore K., Ann Maria and Charlotte Brackenridge, heirs of George W. Brackenridge, deceased,	-	-	-	-	551	596
260	A bill in relation to damages on sinking fund sales,	-	-	-	-	551	596
261	A bill to divorce Maria Heritage, (late Maria Miller) from her husband, Joseph Heritage, late of the county of Vigo,	-	-	-	-	551	610
263	An act to amend an act entitled "An act relative to licensing groceries in the counties of Cass and Carroll,	-	-	-	-	551	596
265	A bill for the relief of Adam Firebaugh, of Warren county, Indiana,	-	-	-	-	551	596
259	A bill to legalize certain sales therein named,	-	-	-	-	552	596
230	A bill for the relief of John Scott,	-	-	-	-	552	596
264	A bill in relation to the canal scrip issued for the construction of the Wabash and Erie canal,	-	-	-	-	553	596
248	A bill to amend an act entitled "An act to incorporate the Buffalo and Mississippi rail road,	-	-	-	-	557	557
233	A bill for the divorce of Cyrus Lomax, of Orange county,	-	-	-	-	558	558
193	A bill for the relief of V. and J. King and others,	-	-	-	-	559	615
236	A bill to prevent suits in certain cases,	-	-	-	-	560	560
14	A bill to authorize the qualified voters of this State to vote for or against the calling of a convention for the revision of the constitution of the State,	-	-	-	-	563	592
97	A bill defining the duties of county treasurer, county auditor and supervisors of roads in the counties of Rush and Hancock,	-	-	-	-	563	563

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

700

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>
165	A bill to incorporate the Millford and Columbus railroad company,	563	563	563
187	A bill to amend the 15th chapter of the Revised Statutes, and to repeal certain sections,	563	598	
217	A bill appointing commissioners to make partition of the real estate of Stephen S. Collett, late of Vermillion county,	563	563	563
221	A bill to legalize the acts of probate judge of Tippecanoe county,	563	563	563
227	A bill defining the duties of county auditors and school commissioners,	563	596	596
228	A bill to locate a State road from Point Commerce, in Greene county, to the feeder dam, in Clay county,	563	563	563
231	A bill to organize a school district in the county of Sullivan,	563	563	563
234	A bill for the relief of Mary Ann Wetherald of Fayette county,	563	563	563
237	A bill to amend an act entitled "An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis rail road company,"	563	563	563
238	A bill to provide for the erection of a bridge across the Wabash and Erie canal,	563	563	563
239	A bill to enable the township of Lawrenceburgh, in Dearborn county, to turn-pike all the roads within the same,	563	563	592
240	A bill to provide for the collection of the county seminary fund of Hamilton county,	563	563	592

242	A bill to repeal an act entitled, "An act authorizing the election of certain officers in the town of Indianapolis, - - - - -"	564	564	599
245	A bill in relation to an alley in Georgetown, Floyd county, - - - - -	564	564	564
246	A bill for the relief of owners of certain canal lands, - - - - -	564	564	564
247	A bill for the education of the indigent blind of this State, - - - - -	564	564	564
209	A bill to locate a State road in the counties of Noble, Whitley, and Kosciusko, - - - - -	566	566	566
218	A bill for the relief of James Kappeler and others, - - - - -	566	566	592
173	A bill to incorporate the Greensfork and Hagerstown Turnpike Company, - - - - -	566	566	566
214	A bill to authorize Joshua Small and Ephraim Overman to construct a mill dam across the Mississinewa river, - - - - -	566	566	566
255	A bill to authorize the removal of obstructions in Big and Little Blue rivers, in Shelby county, and for other purposes, - - - - -	566	566	566
252	A bill amendatory of an act entitled, "An act to incorporate the Lafayette and Ohio Turnpike Company," - - - - -	566	566	566
251	A bill to change a part of the State road from McDonough's ferry, in Clark county, to Brownstown, in Jackson county, - - - - -	566	566	566
254	A bill in relation to opening roads in the county of Fayette, - - - - -	566	566	566
250	A bill authorizing the purchase of lands in Huntington county, - - - - -	566	566	566
208	A bill to establish a State road in the counties of Huntington, Whitley, and Wabash, - - - - -	566	566	566
216	A bill for the relief of Elizabeth Preston, - - - - -	566	566	566
184	A bill to charter the Alumni of Hanover College, - - - - -	566	566	566
256	A bill for the relief of Jacob Rosell, - - - - -	566	566	566
258	A bill to change the name of John Nichols to that of John Bevier Nichols, - - - - -	566	566	566
235	A bill regulating the granting of licenses in the county of Delaware, - - - - -	566	566	566
257	A bill to provide for the inspection of whiskey in Tippecanoe county, - - - - -	566	566	566
253	A bill for the relief of the securities of James A. Kindle, late collector of Madison county, - - - - -	566	566	566

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

702

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before House.</i>	<i>Passed House.</i>
113	A bill to increase the common school fund,	566	593, 594	608
267	A bill to authorize the superintendent of the Wabash and Erie canal to pay such equitable claims as counties and individuals may have,	608		616
179	A bill to amend the 109th section of the sixteenth chapter of the Revised Statutes,	608	608	609
244	A bill to appoint commissioners to assess damages done by State agents and canal contractors to the lands of Jesse L. Williams,	609	609	627
266	A bill to provide for the support of paupers in Allen county,	609	609	
206	A bill in relation to repairing the college buildings,	611		
268	A bill fixing the time of holding courts in the fifth judicial circuit,	627	627	



## C

CARR, GEORGE W.

Appeared and was qualified, - - - - - 4  
Motions made by, 12, 24, 27, 32, 47, 200, 265, 372, 469, 486, 500

CARR, JOHN F.

Elected bank director,	-	-	-	-	-	-	-	331
------------------------	---	---	---	---	---	---	---	-----

CAMERON, MARBLE S.

Appeared and was qualified, - - - - - 4

CARTER, J. S.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	537

CHAMBERS, JOHN.

Appeared and was qualified, - - - - - 4

CLEMENTS, RICHARD A.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	145,	215,	219,	252,	306,	336, 394, 399

CLYMER, SAMUEL P.

Appeared and was qualified, - - - - - 4  
Motions made by, 150, 295, 343, 353, 359, 394, 499, 534, 533, 554

## CLERKS OF HOUSE.

[illegible]

## CONDUIT, ALEXANDER B.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	225, 272, 524

## COFFIN, SAMUEL.

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---

## COON, WILLIAM.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	-	402, 484

## CARNAN, ROBERT N.

Appeared and was qualified,	-	-	-	-	-	-	5
Motion made by,	-	-	-	-	-	-	118

## COMMITTEE OF THE WHOLE.

House goes into,	-	-	-	55, 92, 134, 171, 371, 389, 553
------------------	---	---	---	---------------------------------

## COOKERLY, GRAFTON F.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	37, 47, 64, 65, 82, 85, 92, 122, 125, 134, 155,						
	158, 174, 178, 184, 224, 234, 329, 334, 393, 441, 504, 548						

## CRUIKSHANK, E. D.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	54, 150, 170, 172

## CORNELIUS, GEORGE.

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---

## COX, ROBERT S.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	60, 102, 272, 476	

## D

## DAVIS, SAMUEL.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	56, 64, 189, 234, 250, 265, 277, 390, 461, 476,					[507, 540, 568	

## DOLE, WILLIAM P.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	34, 118, 125, 170, 171		

## DOWLING, THOMAS.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	189, 204, 205, 256, 277, 371, 480				

## E

## EDWARDS, JOHN.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	46, 223, 250, 310, 424		

## ELECTIONS.

John S. Simonson elected Speaker,	-	-	-	-	-	6
T. B. Kinder elected Principal Clerk,	-	-	-	-	-	7
F. M. Williams elected Assistant Clerk,	-	-	-	-	-	8
John S. Berryhill elected doorkeeper,	-	-	-	-	-	10
James Lockhart elected judge of the fourth judicial circuit,	-					45
David McDonald elected judge of the tenth judicial circuit,	-					45
Jeremiah Smith elected judge of the eleventh judicial circuit,	-					45
Jesse D. Bright elected United States Senator,	-	-	-			59
John Frazer elected superintendent of the New Albany and Vincennes road,	-	-	-	-	-	312

John F. Carr elected bank director,	-	-	-	-	-	331
Jacob Walker elected bank director,	-	-	-	-	-	332
M. G. Bright elected State Agent,	-	-	-	-	-	568
Samuel J. Patterson elected lessee of the State prison,	-	-	-	-	-	570
William Lee elected warden of State prison,	-	-	-	-	-	570
Stearns Fisher elected superintendent of Wabash and Erie canal,	-	-	-	-	-	606
Bazil Brown elected superintendent of Central canal,	-	-	-	-	-	606

## ELLIS, ERAM.

Appeared and was qualified,	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---

## ENDECOTT, JAMES C.

Appeared and was qualified,	-	-	-	-	-	10
-----------------------------	---	---	---	---	---	----

## F

## FARQUHAR, JOHN H.

Proceeds to organize the House of Representatives,	-	-	-	-	-	3
--	---	---	---	---	---	---

## FERGUSON, JOHN D.

Appeared and was qualified,	-	-	-	-	-	3
Motions made by,	-	-	-	-	-	264, 266

## FORD, ROYSTON.

Appeared and was qualified,	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	172, 391, 393

## FRAZER, JOHN.

Elected superintendent of the New Albany and Vincennes road,	-	-	-	-	-	312
--	---	---	---	---	---	-----

## FISHER, STEARNS.

Elected superintendent of the Wabash and Erie canal,	-	-	-	-	-	606
--	---	---	---	---	---	-----

## FULLER, ISHAM.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	9, 31, 55, 57, 58, 59, 64, 93, 111, 166,					[183, 333, 413]

## G

## GOVERNOR.

Communicates annual message,	-	-	-	-	-	-	14
Communications from,	-	-	46, 114, 231, 272, 483, 500				

## H

HALL, SAMUEL. (*of Gibson*).

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	193, 195, 269, 391, 460, 490, 555				

HALL, COLBRATH. (*of Warren*).

Appeared and was qualified,	-	-	-	-	-	-	5
Motion made by,	-	-	-	-	-	-	194

## HARVEY, JONATHAN S.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	160, 190, 334, 337	

## HAZELRIGG, H. G.

Appeared and was qualified,	-	-	-	-	-	-	3
Motions made by,	82, 118, 134, 136, 149, 159, 172, 295, 360, 373,						[412, 420, 426, 461, 505, 538, 547]

## HENRY, GEORGE.

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---



## HENTON, BENJAMIN.

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---

## HERRON, SAMUEL.

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---

## HILL, ALLEN.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	141, 361

## HINCHMAN, JAMES.

Appeared and was qualified,	-	-	-	-	-	-	5
Motion made by,	-	-	-	-	-	-	172

## HUFF, W.

Appeared and was qualified,	-	-	-	-	-	-	5
Motion made by,	-	-	-	-	-	-	149

## J

## JACKSON, CARTER T.

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---

## JONES, JOHN.

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---

## JULIAN, GEORGE W.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	157,	159,	373,	377, 409, 460

**K****KERR, JAMES.**

Appeared and was qualified,	-	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---	---

**KIMBERLIN, ROBERT P.**

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---

**KINDER, T. B.**

Elected Principal Clerk,	-	-	-	-	-	-	7
--------------------------	---	---	---	---	---	---	---

**L****LANIUS, WILLIAM.**

Appeared and was qualified,	-	-	-	-	-	-	6
Motion made by,	-	-	-	-	-	-	142

**LEGG, WALTER.**

Appeared and was qualified,	-	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---	---

**LEYMAN, WILLIAM L.**

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	-	486, 502

**LOCKHART, JAMES.**

Elected judge of the fourth judicial circuit,	-	-	-	-	-	-	45
---	---	---	---	---	---	---	----

**LEWIS, JOSEPH.**

Appeared and was qualified,	-	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---	---

## LEMMONDS, GEORGE W.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	230

## LOGAN, ROBERT.

Appeared and was qualified,	-	-	-	-	-	-	5
Motion made by,	-	-	-	-	-	-	409

## LOWE, JACOB B.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	145, 163, 192, 250, 308, 337, 372				

## LEE, WILLIAM.

Elected warden of State prison,	-	-	-	-	-	-	570
---------------------------------	---	---	---	---	---	---	-----

## M

## McCORMACK, SAMUEL.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	-	360, 390

## McDONALD, ALEXANDER.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	25, 31, 32, 38, 40, 47, 48, 55, 59, 62, 93, 183,						
	[190, 199, 206, 248, 250, 268, 282, 337, 370, 413, 502, 545						

## McDONALD, DAVID.

Elected judge of the tenth judicial circuit,	-	-	-	-	-	-	45
--	---	---	---	---	---	---	----

## McRAE, DANIEL A.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	392

## MEEKER, MINER.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	53, 55, 287, 317	

## MICKLE, SAMUEL S.

Appeared and was qualified,	-	-	-	-	-	-	3
Motions made by,	-	25, 62, 101, 154, 161, 167, 263, 309, 316,					
		[393, 409, 483, 552					

## MONROE, HENRY C.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	-	36, 322

## MOONEY, SAMUEL P.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	229, 390

## MORROW, JOSEPH.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	228

## MOORE, GEORGE W.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	11, 41, 125, 143, 165, 172, 178, 200, 239, 264,						
	[267, 269, 376, 391, 515, 521, 533, 545						

## N

## NELSON, JOHN S.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	93, 430, 539

## NOFSINGER, WILLIAM R.

Appeared and was qualified,	-	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---	---



## ORDER OF BUSINESS.

Speaker announces, - - - - - 28

OSBORN, ANDREW L. (*of Laporte*).

Appeared and was qualified, - - - - - 4  
 Motions made by, 157, 166, 178, 199, 449, 253, 306, 361, 391,  
 [403, 412, 413, 423, 469, 487, 509]

OSBORN, SILAS. (*of Sullivan*).

Appeared and was qualified, - - - - - 5

## P

## PARKER, CHRISTIAN.

Appeared and was qualified, - - - - - 3  
 Motion made by, - - - - - 156

## PENNINGTON, DENNIS.

Appeared and was qualified, - - - - - 4  
 Motions made by, 31, 54, 55, 104, 110, 125, 166, 190, 249, 294,  
 [297, 399, 509, 537]  
 Vote of thanks, - - - - - 631

## PETITIONS, MEMORIALS AND REMONSTRANCES.

Presented by,

Mr. Arnold,	-	-	-	-	-	-	42, 414, 291, 279
Mr. Baker,	-	-	-	-	-	-	34, 35, 90, 336
Mr. Bowman,	-	-	-	-	-	-	415, 278
Mr. Brumfield,	-	-	-	-	-	-	213, 279, 290
Mr. Burns, -	-	-	-	-	-	-	279, 253
Mr. Carr, -	-	-	-	-	-	-	115, 143, 451
Mr. Carnan,	-	-	-	-	-	-	39, 379, 514
Mr. Clymer,	-	-	-	-	-	-	42, 49, 184, 335, 514



PETITIONS, &c.—*Continued.*

Mr. Cookerly,	-	-	-	-	-	66, 74, 90, 159, 212
Mr. Cox,	-	-	-	-	-	74
Mr. Chambers,	-	-	-	-	-	90, 302, 379
Mr. Clements,	-	-	-	-	-	102, 115, 291
Mr. Cornelius,	-	-	-	-	-	50, 144, 185, 254
Mr. Conduit,	-	-	-	-	-	213, 514, 302
Mr. Cruikshank,	-	-	-	-	-	334
Mr. Cameron,	-	-	-	-	-	450
Mr. Davis,	-	-	-	-	-	42
Mr. Dowling,	-	-	-	-	-	51, 90
Mr. Dole,	-	-	-	-	-	129
Mr. Fuller,	-	-	-	-	-	57, 68, 253
Mr. Ferguson,	-	-	-	-	-	74, 89, 129, 185, 462
Mr. Ford,	-	-	-	-	-	212, 235, 415, 450, 451, 463
Mr. Hall of Gibson,	-	-	-	-	-	75, 32, 42
Mr. Hall of Warren,	-	-	-	-	-	89
Mr. Hill,	-	-	-	-	-	51, 235
Mr. Henry,	-	-	-	-	-	115, 213, 335, 451
Mr. Hinchman,	-	-	-	-	-	212
Mr. Hazelrigg,	-	-	-	-	-	213, 258, 364, 129, 144
Mr. Herron,	-	-	-	-	-	213, 235, 290
Mr. Henton,	-	-	-	-	-	279, 291, 378, 450
Mr. Harvey,	-	-	-	-	-	334, 414
Mr. Julian,	-	-	-	-	-	89, 102, 185, 279, 380
Mr. Jones,	-	-	-	-	-	290, 414
Mr. Jackson,	-	-	-	-	-	380, 415
Mr. Kimberlin,	-	-	-	-	-	254, 290, 291
Mr. Leyman,	-	-	-	-	-	40, 66, 378
Mr. Lowe,	-	-	-	-	-	66, 90, 380
Mr. Lewis,	-	-	-	-	-	185, 184
Mr. Logan,	-	-	-	-	-	89
Mr. Lanius,	-	-	-	-	-	291, 415, 213
Mr. Mickle,	-	-	49, 51, 57, 90, 279, 302, 335, 364, 379, 514	-	-	
Mr. McCormack,	-	-	-	-	-	51, 184
Mr. Meeker,	-	-	-	-	-	57
Mr. Monroe,	-	-	-	-	-	66
Mr. Moore,	-	-	-	-	-	66, 212, 334, 413, 414
Mr. Morrow,	-	-	-	-	-	66, 185, 235, 379, 380, 415
Mr. Mooney,	-	-	-	-	-	278
Mr. McDonald,	-	-	-	-	-	279, 380
Mr. Nelson,	-	-	-	-	-	184, 212, 290
Mr. Osborn of Laporte,	-	-	-	-	-	102, 143, 280, 462, 32
Mr. Osborn of Sullivan,	-	-	-	-	-	364
Mr. Pennington,	-	-	-	-	-	42, 414
Mr. Porter,	-	-	-	-	-	102, 415
Mr. Parker,	-	-	-	-	-	185, 235, 278, 462, 90, 514

PETITIONS, &c.—*Continued.*

Mr. Powers,	-	-	-	-	-	-	235, 280, 450, 514
Mr. Robinson,	-	-	-	-	-	-	35
Mr. Riley,	-	-	-	-	-	-	51, 143, 379
Mr. Ruby,	-	-	-	-	-	-	291
Mr. Rippey,	-	-	-	-	-	-	302
Mr. Rousseau,	-	-	-	-	-	-	335
Mr. Shanks,	-	-	-	-	-	-	42, 184, 278
Mr. Smith,	-	-	-	-	49, 212, 253, 279, 290, 335, 364	-	
Mr. Seawright,	-	-	-	-	-	-	91
Mr. Sleeth,	-	-	-	-	-	-	115, 185, 280
Mr. Stapp,	-	-	-	-	-	-	143, 279
Mr. Simonson,	-	-	-	-	-	-	186
Mr. Stanfield,	-	-	-	-	-	-	254, 290
Mr. Snook,	-	-	-	-	-	-	290
Mr. Slater,	-	-	-	-	-	-	302, 374
Mr. Thompson,	-	-	-	-	-	-	49, 213
Mr. Tomlinson,	-	-	-	-	-	50, 90, 159, 514, 379	
Mr. Turner,	-	-	-	-	-	-	75, 143, 380
Mr. Taber,	-	-	-	-	115, 185, 213, 279, 302, 303, 462	-	
Mr. Tedford,	-	-	-	-	143, 144, 184, 379, 415, 450, 462, 334	-	
Mr. Vandever,	-	-	-	-	-	-	32, 34
Mr. Webber,	-	-	-	-	212, 235, 253, 254, 414, 450	-	
Mr. Wise,	-	-	-	-	-	-	102, 234
Mr. Wilson of Marion,	-	-	-	-	-	184, 235, 303	
Mr. Wilson of Noble	-	-	-	-	-	-	364
Mr. Watt,	-	-	-	-	-	-	414
Mr. Yocum,	-	-	-	-	-	66, 74, 378, 450, 462	

## PORTER, WILLIAM A.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	133, 171, 240, 298	

## POWERS, CLARK.

Appeared and was qualified,	-	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---	---

## POWERS, JOHN B.

Appointed Private Secretary to Governor,	-	-	-	-	-	46	
--	---	---	---	---	---	----	--

## PRATT, JOSEPH R.

Communications from, - - - - - 53, 184, 390

## PATTERSON, SAMUEL J.

Elected lessee of State Prison, - - - - - 570

## PREVIOUS QUESTION.

On going into the election of United States Senator, - - 38  
 On taking newspapers, - - - - - 61  
 On adopting the preamble and resolution in the case of the  
 contested election of Messrs. Lanius and Lane, - - - 64  
 On bill of the House 104, relative to jurors' fees, - - - 173  
 On bill of the House No. 104, relative to jurors' fees, - - 190  
 On bill of the House No. 176, - - - - - 316  
 On apportionment bill No. 69, of the Senate, - - - 410  
 On the passage of apportionment bill, - - - - - 422  
 On engrossing bill of the House No. 362, relative to the public  
 debt, - - - - - 509  
 On the passage of bill of the House No. 362, public debt, - 537

## PROTEST.

Presented by Mr. Riley, - - - - - 340

**R**

## REPORTS OF STANDING COMMITTEES.

## AGRICULTURE.

On petition of citizens of Tippecanoe county, - - - 148  
 On petition of citizens of Dearborn county, - - - 243  
 On improving the breed of horses, - - - - - 243  
 On petition of citizens of Carroll county, - - - - 243  
 On House bill No. 291, - - - - - 528

REPORTS OF STANDING COMMITTEES—*Continued.*

## CANALS AND INTERNAL IMPROVEMENTS.

On bill of the House No. 95,	-	-	-	-	-	188
On petition of citizens of Cass county,	-	-	-	-	-	188
On bill of the House No. 81,	-	-	-	-	-	214
On bill of the House No. 156,	-	-	-	-	-	214
On bill of the House No. 69,	-	-	-	-	-	214
On bill of the House No. 118,	-	-	-	-	-	214
On bill of the House No. 106,	-	-	-	-	-	216
On bill of the House No. 148,	-	-	-	-	-	216
On bill of the Senate No. 39,	-	-	-	-	-	242
For the relief of William Walden,	-	-	-	-	-	281
On petition of John Fusey, -	-	-	-	-	-	281
On bill of the House No. 163,	-	-	-	-	-	281
On petition of citizens of Cass county,	-	-	-	-	-	281
On bill of the House No. 240,	-	-	-	-	-	282
On bill of the Senate No. 65,	-	-	-	-	-	292
On petition of citizens of Cass county,	-	-	-	-	-	308
On bill of the House No. 258,	-	-	-	-	-	309
On bill of the House No. 260,	-	-	-	-	-	309
On bill of the House No. 287,	-	-	-	-	-	345
Relating to interest on canal lands,	-	-	-	-	-	345
On bill of the House No. 283,	-	-	-	-	-	345
On bill of the House No. 285,	-	-	-	-	-	346
On bill of the Senate No. 75,	-	-	-	-	-	419
On bill of the House No. 281,	-	-	-	-	-	419
On bill of the House No. 343,	-	-	-	-	-	429
On bill of the Senate No. 96,	-	-	-	-	-	430
Relative to the Wabash and Ohio canal,	-	-	-	-	-	430
On bill of the Senate No. 93,	-	-	-	-	-	451
On bill of the Senate No. 146,	-	-	-	-	-	471
On bill of the House No. 86,	-	-	-	-	-	471
On bill of the House No. 340,	-	-	-	-	-	472
On petition of W. B. Preston et. al.,	-	-	-	-	-	526
On petition of citizens of Carroll, White, and Cass counties,	-	-	-	-	-	526
On account of land examiners,	-	-	-	-	-	527
On petition of E. P. Hopkins, et. al.,	-	-	-	-	-	527
On petition of D. K. Ward, et. al.,	-	-	-	-	-	527
On bill of the House No. 458,	-	-	-	-	-	528
On bill of the Senate No. 89,	-	-	-	-	-	528
On bill of the House No. 435,	-	-	-	-	-	617
On bill of the House No. 250,	-	-	-	-	-	617
On claim of George W. Branham,	-	-	-	-	-	618
On bill of the House No. 421,	-	-	-	-	-	618
On bill of the House No. 128,	-	-	-	-	-	618

REPORTS OF STANDING COMMITTEES—*Continued.*

## CLAIMS.

For relief of James M. Pinnick, et. al.,	-	-	-	-	105
For the relief of Daniel Dayhuff,	-	-	-	-	133
For relief of Thomas Wright,	-	-	-	-	242
For relief of Mary Wood, et. al.,	-	-	-	-	346
On resolution relative to paying messengers,	-	-	-	-	346
On claim of S. S. Rooker,	-	-	-	-	365
On memorial of Joseph Irwin,	-	-	-	-	365
On claim of G. W. Shearer,	-	-	-	-	365
On claim of S. P. Daniels,	-	-	-	-	469
On claim of Tomlinson and Brother,	-	-	-	-	469
On petition of H. Lasselle,	-	-	-	-	524
Relative to purchasing an engine,	-	-	-	-	524
Relative to certain claims,	-	-	-	-	525

## CORPORATIONS.

On bill to incorporate the Hagerstown Musical Institute,	-	188
On bill of the House No. 157,	- - - - -	189
On bill of the Senate No. 38,	- - - - -	216
On memorial of the "Sisters of Providence,"	- - - - -	217
On bill of the Senate No. 15,	- - - - -	218
On bill of the House No. 57,	- - - - -	219
On bill of the Senate No. 58,	- - - - -	220
On bill of the House No. 70,	- - - - -	282
On bill of the House No. 234,	- - - - -	282
On bill of the House No. 172,	- - - - -	283
On bill of the Senate No. 59,	- - - - -	283
On petition of H. D. Johnson, et. al.,	- - - - -	343
On bill of the Senate No. 94,	- - - - -	343
On bill of the Senate No. 166,	- - - - -	344
On bill of the Senate No. 28,	- - - - -	344
On bill of the House No. 225,	- - - - -	344
On bill of the House No. 184,	- - - - -	345
On bill of the House No. 213,	- - - - -	366
On bill of the Senate No. 136,	- - - - -	452
On bill of the Senate No. 73,	- - - - -	472
On bill of the House No. 282,	- - - - -	472
On bill of the House No. 274,	- - - - -	472
On bill of the Senate No. 135,	- - - - -	472
On bill of the Senate No. 112,	- - - - -	473
On bill of the House No. 334,	- - - - -	473
On bill of the House No. 298,	- - - - -	474
On bill of the House No. 297,	- - - - -	474



REPORTS OF STANDING COMMITTEES—*Continued.*

## STATE LIBRARY.

On resolution relative to binding legislative papers, - -	136
Providing for the preservation of the State House, - -	347
On bill of the House No. —, - - - - -	529

## EDUCATION.

On petition of voters of Harrison county, - - -	96
On resolution making tuition in State University gratis, -	96
On resolution amending the school law, - - -	97
On resolution reducing rate of interest on surplus revenue, -	97
On resolution providing for election of trustees on the first Monday in August, - - - - -	97
On amending the law respecting examiners of common school teachers, - - - - -	130
On abolishing the office of examiners of common school teach- ers, - - - - -	130
On repealing one hundred and seventh section of the fifth article of the Revised Statutes, - - - - -	131
On amending school law, - - - - -	131
On petition of citizens of Sullivan county praying a change in the school law, - - - - -	132
On petition from Wells county, - - - - -	132
On petition of school commissioner of Pike county, - -	133
On bill of the House No. 150, - - - - -	162
On House bill No. 110, - - - - -	243
On House bill No. 199, - - - - -	260
On House bill No. 51, - - - - -	338
On amending the school laws, - - - - -	338
On petition of Phebe Stephenson, - - - - -	338
On revising school law, - - - - -	339
Relating to apprentices, - - - - -	339
On bill of the Senate No. 161, - - - - -	520
On bill of the House No. 304, - - - - -	520
On bill of the Senate No. 114, - - - - -	521
On amending school law, - - - - -	522
On petition of citizens of Owen county, - - - - -	522
Relative to mute asylum, - - - - -	523
On bill of the Senate No. 200, - - - - -	523
On petition of citizens of Hancock county, - - - - -	524

## ELECTIONS.

Enquiring into the expediency of electing supervisors, -	160
On amending law confining voters to their own township, -	160

REPORTS OF STANDING COMMITTEES—*Continued.*

On certificates of members of the House, - - - -	254
On bill of the House No. 162, - - - -	336
On bill of the House No. 339, - - - -	381

## ENROLLED BILLS.

Reports from, 142, 193, 200, 233, 237, 275, 309, 356, 389, 400, } 479, 496, 511, 512, 532, 544, 548, 603, 612, 623, 628, 629, } 635, }	
--	--

## JUDICIARY.

Relative to selecting jurors by township trustees, - - -	75
Relative to clerks of the circuit court doing business of county auditor, - - - - -	75
Relative to writs of garnishee, - - - - -	76
Relative to subjecting choses in action to sale on execution, -	76
Relative to transcripts to bind land, - - - - -	76
On House bill No. 2, - - - - -	77
On bill of the House No. 5, - - - - -	77
Relative to incorporating certain companies, - - - -	77
Relative to the constitutionality of certain laws, - - -	78
On bill of the House No. 26, - - - - -	92
Relative to titles held by aliens, - - - - -	93
On petition of Andrew Kennedy, et. al., - - - - -	94
On joint resolution of the Senate No. 2, - - - - -	94
On bill of the House No. 13, - - - - -	94
On bill of the House No. 9, - - - - -	95
On bill of the House No. 25, - - - - -	95
On petition of Aaron Stanton, et. al., - - - - -	95
On bill of the House No. 10, - - - - -	96
Relative to Supreme Court Reporter, - - - - -	115
On bill of the House No. 32, - - - - -	116
Amending Revised Statutes, - - - - -	116
On bill of the House No. 16, - - - - -	117
Extending jurisdiction of justices of the peace, - - -	117
Relative to the pay of grand and petit jurors, - - -	117
Authorising auditors to acknowledge deeds, - - - -	119
Relative to recorder's fees, - - - - -	129
On abolishing special pleading, - - - - -	130
Relative to county treasurers, - - - - -	130
On bill of the House No. 35, - - - - -	144
Relative to writs of ne exeat, - - - - -	144
On bill of the House No. 52, - - - - -	145
On bill of the House No. 55, - - - - -	145
On bill of the House No. 72, - - - - -	145

REPORTS OF STANDING COMMITTEES—*Continued.*

On bill of the House No. 68,	-	-	-	-	-	145
On bill of the House No. 88,	-	-	-	-	-	145
Amending Revised Statutes,	-	-	-	-	-	146
On bill of the House No. 29,	-	-	-	-	-	147
On bill of the House No. 58,	-	-	-	-	-	147
On bill of the House No. 83,	-	-	-	-	-	147
Relative to revising the constitution,	-	-	-	-	-	148
On bill of the House No. 149,	-	-	-	-	-	186
On bill of the House No. 79,	-	-	-	-	-	187
On bill of the House No. 87,	-	-	-	-	-	187
On bill of the House No. 161,	-	-	-	-	-	236
On petition of citizens of Shelby county,	-	-	-	-	-	236
On bill of the House No. 133,	-	-	-	-	-	236
On bill of the House No. 152,	-	-	-	-	-	237
On bill of the House No. 141,	-	-	-	-	-	238
On bill of the House No. 130,	-	-	-	-	-	239
On petition of Alfred Davis of Daviess county,	-	-	-	-	-	239
On bill of the House No. 216,	-	-	-	-	-	239
On amending Revised Statutes,	-	-	-	-	-	240
On amending Revised Statutes,	-	-	-	-	-	240
On bill of the House No. 154,	-	-	-	-	-	240
On bill of the House No. 136,	-	-	-	-	-	240
On bill of the House No. 168,	-	-	-	-	-	241
On amending Revised Statutes,	-	-	-	-	-	241
On amending Revised Statutes,	-	-	-	-	-	253
In relation to tax titles,	-	-	-	-	-	254
On bill of the House No. 198,	-	-	-	-	-	255
On amending Revised Statutes,	-	-	-	-	-	255
On bill of the House No. 180,	-	-	-	-	-	255
On bill of the House No. 203,	-	-	-	-	-	256
On amending Revised Statutes,	-	-	-	-	-	260
On bill of the House No. 155,	-	-	-	-	-	280
On bill of the House No. 262,	-	-	-	-	-	303
On bill of the House No. 251,	-	-	-	-	-	303
On bill of the House No. 265,	-	-	-	-	-	304
On bill of the House No. 255,	-	-	-	-	-	304
On bill of the House No. 230,	-	-	-	-	-	304
On bill of the House No. 33,	-	-	-	-	-	304
On bill of the House No. 91,	-	-	-	-	-	305
On bill of the Senate No. 62,	-	-	-	-	-	305
On bill of the House No. 55,	-	-	-	-	-	305
On bill of the House No. 137,	-	-	-	-	-	306
On bill of the House No. 139,	-	-	-	-	-	307
On bill of the House No. 268,	-	-	-	-	-	307
On bill of the House No. 228,	-	-	-	-	-	307
On bill of the House No. 274,	-	-	-	-	-	308

REPORTS OF STANDING COMMITTEES—*Continued.*

On bill of the House No. 4,	-	-	-	-	-	323
On bill of the House No. 202,	-	-	-	-	-	381
On bill of the House No. 276,	-	-	-	-	-	381
On bill of the House No. 309,	-	-	-	-	-	381
Relative to probate business,	-	-	-	-	-	451
Relative to county auditors' bonds,	-	-	-	-	-	451
On bill of the House No. 332,	-	-	-	-	-	463
On joint resolution of the Senate No. 10,	-	-	-	-	-	463
On petition of William Payton et al.	-	-	-	-	-	463
On bill of the House No. 291,	-	-	-	-	-	463
On bill of the Senate No. 109,	-	-	-	-	-	464
On bill of the Senate No. 141,	-	-	-	-	-	516
On bill of the House No. 456,	-	-	-	-	-	517
On bill of the House No. 111,	-	-	-	-	-	517
On bill of the House No. 402,	-	-	-	-	-	517
On bill of the House No. 341,	-	-	-	-	-	517
On bill of the Senate No. 25,	-	-	-	-	-	517
On bill of the House No. 231,	-	-	-	-	-	519
On bill of the House No. 360,	-	-	-	-	-	519
On bill of the House No. 324,	-	-	-	-	-	616

## ON MILITARY AFFAIRS.

On resolution revising militia law,	-	-	-	-	-	418
-------------------------------------	---	---	---	---	---	-----

## ON PUBLIC EXPENDITURES.

Relative to abolishing the office of Agent of State,	-	-	182
On publishing all statutes of a general nature in some newspaper,	-	-	201
On making allowance to Andrew Robb,	-	-	201

## ROADS.

On resolution providing for electing supervisors of roads on first Monday in August,	-	-	-	-	-	97
On resolution levying additional road tax on non-residents' lands,	-	-	-	-	-	98
On bill of the House No. 47,	-	-	-	-	-	133
On bill of the Senate No. 1,	-	-	-	-	-	133
On resolution relative to bridges on White Water canal,	-	-	-	-	-	134
On resolution repealing 109th section of chapter 16, of Revised Statutes,	-	-	-	-	-	187
On amending road law,	-	-	-	-	-	187
On petition of citizens of Decatur county,	-	-	-	-	-	242
On bill of the House No. 158,	-	-	-	-	-	242

REPORTS OF STANDINNG COMMITTEES—*Continued.*

On bill of the House No. 261, - - - - -	242
On petition of citizens of Steuben county, - - - - -	291
On petition praying additional tax on speculators' land, - - - - -	292
In relation to extending the Madison and Indianapolis railroad north to Peru, - - - - -	292
On petition of citizens of Dekalb and Allen county, - - - - -	347
On petition of citizens of Boone and Hendricks counties, - - - - -	382
On petition of Chapel W. Brown, - - - - -	418
On petition of citizens of Montgomery county, - - - - -	419
On petition of citizens of Randolph county, - - - - -	470
On petition of citizens of Wells and Huntington counties, - - - - -	470
On petition of Andrew F. Hatfield, - - - - -	525
On petition of citizens of Fulton and Kosciusko counties, - - - - -	525
On petition of citizens of Clark county, - - - - -	526

## STATE BANK.

On bill of the House No. 25, relative to the bank tax fund, - - - - -	98
Relative to renewing certificates of deposite, - - - - -	430
Relative to report of State bank and branches, - - - - -	430

## STATE PRISON.

On resolutions relative to Joseph R. Pratt, - - - - -	260
On proposition of Simon Bottorff, - - - - -	367
On bill of the House No. 426, - - - - -	464
On memorial of Joseph R. Pratt, - - - - -	465
On affairs of State prison, - - - - -	465

## TOWN OF INDIANAPOLIS.

On propriety of selling certain lots, - - - - -	78
---	----

## WAYS AND MEANS.

Reports resolution authorizing the employing a clerk for the committee, - - - - -	75
On bill of House No. 24, a bill to authorize refunding of taxes in certain cases, - - - - -	103
On resolution requiring a re-valuation of property, - - - - -	103
On resolution abolishing the office of county collector and assessor, - - - - -	104
On resolution amending assessment law, - - - - -	105
On resolution amending 71st section of article 6, chapter 12, of the Revised Statutes 1843, - - - - -	105
On bill of the House No. 11, - - - - -	160



## REPORTS OF SELECT COMMITTEES.

Amending 90th section of article 7, of chapter 12, of Revised Statutes, - - - - -	161
On bill of the House No. 37, - - - - -	161
On bill of the House No. 11, - - - - -	186
On Senate bill No. 17, - - - - -	207
On petition of citizens of Clinton county, - - - - -	207
On bill of the Senate No. 68, - - - - -	277
Relative to taxing school lands, - - - - -	337
Authorizing judges to punish contempts, - - - - -	337
On bill of the House No. 275, - - - - -	337
Relative to the duty of county treasurer and auditor, - - - - -	416
Relative to making taxes a lien upon lands, - - - - -	416
On bill of the House No. 307, - - - - -	417
On bill of the House, No. 107, - - - - -	417
On bill of the Senate No. 139, - - - - -	417
On bill to raise revenue, - - - - -	514
On petition of citizens of Delaware county, - - - - -	515
On bill of the House No. 61, - - - - -	515
On bill of the House No. 434, - - - - -	516
On bill of the House No. 361, - - - - -	516

## REPORTS OF SELECT COMMITTEES.

Carr: Appointed to wait upon his Excellency, the Governor, -	14
Thompson: Appointed to wait upon Rev. W. V. Daniels, -	23
Hazelrigg: Appointed to revise rules, - - - - -	26
McDonald: On joint resolution reviving a certain act therein named, - - - - -	52
Vandever: On petition of Daniel Dayhuff, - - - - -	57
Shanks: On petition to legalize the acts of John Nixon, -	66
Vandever: On petition of William Pinnicks' heirs, - -	67
Mickle: On petition for a special term of the Allen circuit court, - - - - -	67
Fuller: On petition for the divorce of Patsey Hubbard, -	78
Thompson: On petition to divorce James Hays, - - -	79
Baker: On petition of Silas Stevens and another, - - -	79
Smith: On petition of Joseph Carpenter, - - - - -	80
Arnold: On petition of Ransom Gabbert, - - - - -	80
Clymer: On petition of citizens of Elkhart county, - - -	80
Hall of Gibson: On bill of the House No. 27, - - - - -	81
Yocum: On petition of Allen T. Rose et al., - - - - -	98
Cox: On petition of citizens of Rush county, - - - - -	99
Davis: On petition of Peter Everhart et al., - - - - -	99
Stanfield: On joint resolution No. 25, - - - - -	99
Hill: On petition of Dennis Wiley et al. - - - - -	99
Meeker: On petition of Robert Martin, - - - - -	105

REPORTS OF SELECT COMMITTEES—*Continued.*

Dowling: On petition of Leonard Crawford,	-	-	-	106
Hall of Gibson: On petition of Vincent Barrett,	-	-	-	106
Taber: On consolidating land offices at Peru and Delphi,	-	-	-	106
Henton: Minority report on land offices,	-	-	-	107
Carter: On joint resolution No. 44,	-	-	-	108
Yocum: On petition of citizens of Clay county,	-	-	-	108
Vandever: On bill of the House No. 28,	-	-	-	111
Carnan: On petition of citizens of Knox county,	-	-	-	119
Julian: Relative to capital punishment,	-	-	-	119
Seawright: Relative to jurors' fees,	-	-	-	119
Stapp: On joint resolution No. 19,	-	-	-	120
Porter: On petition of citizens of Harrison county,	-	-	-	128
Cookerly: On House bill No. 50,	-	-	-	136
Moore: On petition of citizens of Owen county,	-	-	-	137
Chambers: On petition of Samuel Wilson,	-	-	-	137
Ferguson: Relative to probate courts in Clark county,	-	-	-	148
Carnan: Relative to jurors' fees,	-	-	-	148
Mooney: On House bill No. 32,	-	-	-	149
Moore: Relative to county boards,	-	-	-	150
Osborne of Laporte: Relative to county business,	-	-	-	151
Hall of Gibson: On memorial of James Boswell and John Arbuthnot et al.,	-	-	-	163
Hall of Gibson: On bill of the House No. 86,	-	-	-	163
Hinchman: Amending road law,	-	-	-	163
McRae: On Senate bill No. 8,	-	-	-	163
Hall of Warren: On petition,	-	-	-	163
Cookerly: On petition of Nancy Casto,	-	-	-	164
Cookerly: On bill of the House No. 108,	-	-	-	164
Wise: On petition of John McIntyre,	-	-	-	202
McCormick: On petition of Adam Shambaugh,	-	-	-	202
Tedford: On petition,	-	-	-	202
Clymer: On memorial of Dr. Milton Latto, et al.,	-	-	-	203
Tomlinson: On petition,	-	-	-	203
Clements: On petition of James McGayhey et al.,	-	-	-	203
Wilson of Marion: On petition of Frederick Hartzell,	-	-	-	203
Turner: On petition,	-	-	-	204
Taber: On bill of the House No. 12,	-	-	-	204
Osborn of Laporte: On bill of the House No. 85,	-	-	-	205
Hazelrigg: On bill of the House No. 103,	-	-	-	206
Hazelrigg: On memorial of Wabash college,	-	-	-	206
Davis: On House bill No. 105,	-	-	-	206
Riley: On petition of James Rutherford,	-	-	-	206
Baker: On Senate bill No. 3,	-	-	-	207
Henry: On petition,	-	-	-	208
Mickle: On petition,	-	-	-	220
Dowling: On petition of E. W. H. Ellis, et al.,	-	-	-	221

REPORTS OF SELECT COMMITTEES—*Continued.*

Nelson: On petition, - - - - -	221
Smith: On petition, - - - - -	221
Coffin: On subject of tolls on Wabash and Erie canal, -	222
Henry: On petition, - - - - -	223
Moore: On bill of the House No. 204, - - - - -	232
Ellis: On bill of the House No. 196, - - - - -	232
Tedford: On petition, - - - - -	243
Taber: On petition, - - - - -	244
Dowling: On petition of E. W. H. Ellis et al., - - -	262
Vandever: Relative to New Albany and Vincennes road, -	263
Clements: On petition of Elias L. Terry, - - - - -	263
Ferguson: On memorial of directors of Ohio and Indianapolis railroad company, - - - - -	263
Clymer: On bill of the Senate No. 79, - - - - -	265
Julian: On petition of Alexander J. Line, - - - - -	267
Leyman: On House bill No. 141, - - - - -	268
Conduit: On House bill No. 122, - - - - -	268
Dowling: On House bill No. 12, - - - - -	270
Cookerly: On petition, - - - - -	270
Wise: On petition, - - - - -	270
Parker: On petition of John Howenstein, - - - - -	270
Mickle: On petition, - - - - -	283
Lanius: On petition of Samuel Jelley et al., - - - -	283
Porter: On House bill No. 231, - - - - -	284
Morrow: On petition, - - - - -	284
Smith: On petition, - - - - -	292
Sleeth: On petition of Sarah Wallace, - - - - -	293
Pennington: On Senate bill No. 43, - - - - -	298
Julian: On bill of the House No. 169, - - - - -	298
Julian: On bill of the House No. 236, - - - - -	310
Mooney: On petition of Causby M. Lewis, - - - - -	310
Shanks: On petition, - - - - -	310
Webber: On petition of John Burton, - - - - -	311
Dowling: On bill of the House No. 233, - - - - -	311
Bowman: On petition, - - - - -	311
Clymer: On apportionment bill, - - - - -	313
Moore: Relating to contracts for rents, - - - - -	318
Hazelrigg: On petition of Jacob Jones, Sen., - - - -	318
Hazelrigg: On petition of Nicholas McCarty, - - - -	319
Wilson of Noble: On bill of the Senate No. 51, - - - -	319
Burns: On petition, - - - - -	319
Jones: On petition, - - - - -	320
Henton: On petition, - - - - -	320
Henry: On petition, - - - - -	320
Conduit: On petition of Elizabeth Preston, - - - -	320
Kimberlin: On petition of Susan Wherley, - - - - -	321

REPORTS OF SELECT COMMITTEES—*Continued.*

Monroe: On bill of the House No. 303,	-	-	-	-	347
Carnan: On bill of the Senate No. 118,	-	-	-	-	347
Henton: On petition,	-	-	-	-	348
Cookerly: On bill of the House No. 139,	-	-	-	-	348
Edwards: On bill of the House No. 242,	-	-	-	-	348
Baker: Relative to publishing statutes,	-	-	-	-	349
Hazelrigg: On petition,	-	-	-	-	350
Osborn of Laporte: On petition,	-	-	-	-	350
Webber: On petition,	-	-	-	-	350
Stewart: On bill of the House No. 266,	-	-	-	-	351
Mickle: On petition,	-	-	-	-	351
Henry: On petition of Mary Johnson,	-	-	-	-	351
Davis: On bill of the House No. 207,	-	-	-	-	351
Robinson: On bill of the House No. 205,	-	-	-	-	352
Carnan: Relative to the Wabash river,	-	-	-	-	352
Henry: On petition of Mary Ann Banks,	-	-	-	-	352
Thompson: On petition of Rezin N. Morgan,	-	-	-	-	352
Parker: On petition of Thomas Daniels,	-	-	-	-	366
Hazelrigg: On bill for the relief of Jacob Jones, Sen.,	-	-	-	-	366
Smith: On petition,	-	-	-	-	366
Tedford: On petition,	-	-	-	-	367
Clymer: On petition,	-	-	-	-	367
Secrest: From committee on public debt,	-	-	-	-	371
Nelson: On bill of the Senate No. 71,	-	-	-	-	382
Ellis: On bill of the Senate No. 119,	-	-	-	-	382
Hazelrigg: Relative to State debt,	-	-	-	-	382
Logan: On bill of the Senate No. 133,	-	-	-	-	395
Leyman: On petition of O. L. Clark et al.,	-	-	-	-	395
Vandever; Relative to New Albany and Vincennes road,	-	-	-	-	395
Arnold: On petition,	-	-	-	-	396
Yocum: On petition,	-	-	-	-	396
Davis: Relative to Captain Richard McCarty's heirs,	-	-	-	-	396
Smith: On petition and remonstrance,	-	-	-	-	396
Tedford: On petition,	-	-	-	-	397
Carr: On petition,	-	-	-	-	397
Morrow: On petition,	-	-	-	-	398
Julian: On petition,	-	-	-	-	399
Chamber: On petition of E. J. Peck,	-	-	-	-	398
Henton: On petition,	-	-	-	-	399
Rousseau: On House bill No. 123,	-	-	-	-	399
Carnan: On petition of James S. Mayes,	-	-	-	-	399
Rousseau: On petition,	-	-	-	-	399
Henry: On petition,	-	-	-	-	399
Lowe: On petition of John Jackson, et al.,	-	-	-	-	400
Lowe: On petition of John Carter et al.,	-	-	-	-	401
Leyman: On petition of Rufus A. Lockwood,	-	-	-	-	432

REPORTS OF SELECT COMMITTEES—*Continued.*

Hall of Gibson: Relative to State prison, - - - -	432
Clements: On petition of John B. Coleman, - - - -	433
Hazelrigg: On petition, - - - -	434
Lanius: On petition, - - - -	434
Stanfield: On bill of the House No. 301, - - - -	434
Arnold: On petition, - - - -	434
Jackson: On petition of Jacob Whisler, - - - -	435
Cornelius: On petition, - - - -	435
Stapp: On bill of the House No. 314, - - - -	435
Wilson of Sullivan: On petition, - - - -	436
Ford: On petition, - - - -	436
Conduit: On bill of the Senate No. 91, - - - -	436
Leyman: On bill of the House No. 293, - - - -	437
Wilson of Noble: On petition, - - - -	437
Smith: On bill of the House, No. 381, - - - -	437
Webber: On House bill No. 381, - - - -	438
Julian: On petition of citizens of Hagerstown, - - - -	438
Sleeth: On petition, - - - -	438
Porter: On petition, - - - -	439
Osborn of Laporte: On bill of the House No. 362, - - - -	439
Kimberlin: On petition, - - - -	441
Clymer: On petition, - - - -	441
Cookerly: Relative to the Sinking fund, - - - -	452
Bowman: On petition of David Brier, - - - -	459
Wiley: On petition of Sarah Wilson, - - - -	470
Jones: On petition, - - - -	470
Tedford: Exempting libraries from execution, - - - -	474
Pennington: On petition praying for a road, - - - -	475
Nofsinger: On bill of the House No. 417, - - - -	475
Jackson: On petition of citizens of Tipton county, - - - -	475
Clements: On petition of citizens of Martin county, - - - -	477
Coffin: On petition of citizens of Rush and Henry counties, - - - -	477
Julian: On petition of citizens of Henry and Wayne counties, - - - -	477
Harvey: Relative to the securities of William H. Darnell, - - - -	478
Yocum: On petition of citizens of Clay county, - - - -	478
Parker: On petition of citizens of Allen county, - - - -	478
Osborn of Laporte: On bill of the House No. 362, - - - -	497
Stapp: On bill of the House No. 391, - - - -	529
Shanks: On bill of the House No. 453, - - - -	529
Clements: On bill of the House No. 422, - - - -	530
Ford: On petition of citizens of Randolph county, - - - -	530
Wilson of Marion: On bill of the Senate No. 150, - - - -	531
Slater: On bill of the House No. 386, - - - -	531
On petition of citizens of Hancock and Henry counties, - - - -	521
Webber: On bill of the Senate No. 170, - - - -	531
Smith: On bill of the Senate No. 131, - - - -	532



REPORTS OF SELECT COMMITTEES—*Continued.*

Cornelius: On petition of citizens of Grant county,	-	-	532
Webber: On bill of the House No. 462,	-	-	532
Conduit: On bill of the Senate No. 174,	-	-	556
Parker: On petition of citizens of Allen county,	-	-	614
Carr: Relative to license,	-	-	614
Watt: On bill of the Senate No. 71,	-	-	614
Ford: On bill of the House No. 480,	-	-	617
McDonald: Relative to Oregon,	-	-	620
Smith: On petition of citizens of Pulaski county,	-	-	621

## RILEY, REUBEN.

Appeared and was qualified,	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	190, 248, 507, 547

## ROBINSON, WILLIAM J.

Appeared and was qualified,	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	175

## ROUSSEAU, LOVELL H.

Appeared and was qualified,	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	54, 307, 311, 322, 393, 430

## RUBY, AMBROSE

Appeared and was qualified,	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---

## RIPPEY, DAVID

Appeared and was qualified,	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---

## RESOLUTIONS.

<i>Subject Matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Of notice to Senate of organization of House,	Clymer,	11
Appointing committee to wait on Governor,	Carr,	12
Requesting Mr. Daniels to open session with prayer, - - - - -	Thompson,	12
Adopting rules of last session, - - -	Mickle,	13
Relative to furnishing Revised Statutes for use of members, - - - - -	Baker,	13
That reporters be allowed seats within the Hall, - - - - -	Mickle,	13
Requesting Senate to hear message, -	Hazelrigg,	14
Requiring members to address the Speaker from their seats, - - - - -	Hazelrigg,	24
Granting use of Hall to Professor Smith,	Stapp,	24
Relative to Governor's message, - -	Hazelrigg,	25
Relative to Governor's message in German,	Lemmonds,	25
Relative to furnishing rules for use of members of House, - - - - -	Seawright,	27
Appointing a select committee to report a bill districting the State into senatorial and representative districts, - -	Clymer,	31
To go into election of judges in fourth, tenth, and eleventh judicial circuits, - - -	Mickle,	31
Instructing committee to report a bill reducing number of Senators and Representatives, - - - - -	Vandever,	31
Allowing Abram Hupp nine dollars for services in preparing State House, - -	Vandever,	31
Inviting Senate to hear prayer of W. V. Daniels, - - - - -	Sleeth,	31
Referring Governor's message to committee of the whole, - - - - -	Riley,	32
Requiring doorkeeper to act as sergeant-at-arms, - - - - -	Ford,	33
Relative to a uniform mode of doing county business, - - - - -	Stapp,	33
Relating to the Wabash and Erie canal, -	Clements,	33
Relative to appointing reporter to report decisions of supreme court, - - - -	Cox,	34
Refusing to elect sergeant-at-arms, - -	Davis,	34
Repealing so much of the law as prevents aliens from conveying land, - - -	McDonald,	34

RESOLUTIONS—*Continued.*

<i>Subject Matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Directing Auditor of State to call upon county treasurers for certain information,	Secrest,	34
Authorizing circuit and associate judges to punish for contempt while acting as court of inquiry, - - - - -	Carr,	35
Referring Governor's message, - -	Sleeth,	35
Relative to county prosecuting attorneys,	Leyman,	35
Amending fourth section of forty-seventh chapter of Revised Statutes, - -	Stewart,	35
Reducing salaries of all officers, - -	Henry,	36
Repealing appraisement and valuation laws,	Stanfield,	36
Going into election of United States Senator,	Meeker,	36
Referring Governor's message, - -	Vandever,	39
To enquire into power of Legislature to incorporate certain companies, - -	Mickle,	39
Relative to contested election of William Lanus and James H. Lane, - -	Secrest,	39
Repealing law requiring marriage licenses to be issued by clerks of circuit courts, -	McDonald,	40
Amending execution law, - - -	Porter,	40
To adjourn sine die on 25th December, -	Sleeth,	40
Abolishing office of county collector and assessor, - - - - -	Conduit,	40
Instructing committee to report in the case of contested election of William Lanus and James H. Lane, - - - - -	Riley,	41
Appointing committee of five to report a bill embodying all county officers' fees, -	Smith,	41
Providing for a valuation of real and personal property in this State, - -	Hall of G.,	41
Granting use of Hall of House to Prof. Smith,	Stapp,	43
Relative to clerks of circuit courts performing duties of auditor, - - - -	Moore,	43
Relative to selecting jurors, - - -	Cookerly,	44
Relating to writs of garnishee, - - -	Osborn of L.,	44
Making the member presenting petition, &c., one of the committee to whom it was referred, for the time, - - - - -	Hazelrigg,	44
Inquiring what Branches of the State Bank have divided six per cent. on stock, -	Vandever,	44
Inviting Senate to go into the election of circuit judges, - - - - -	Hazelrigg,	45

RESOLUTIONS—*Continued.*

<i>Subject Matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Relative to taking newspapers, - - -	Lemmonds,	47
Purchasing newspapers, - - - -	Seawright,	47
Purchasing newspapers, - - - -	Hazelrigg,	48
Relative to report of Visiter of State Prison,	Cookerly,	48
Consolidating land offices at Peru and Delphi,	Taber,	49
Prohibiting deputy clerks from practising law in the county in which they act as deputy,	Cox,	49
Making tuition in State University gratis,	Cookerly,	50
Relating to pay of grand and petit jurors,	Clymer,	52
Enquiring into expediency of reducing the penalty on failure to pay for canal lands,	Seawright,	52
Relative to duty of clerks of circuit courts,	Tomlinson,	52
Relative to official advertisements, - -	Cox,	52
Changing recorders' fees, - - - -	Wiley,	52
Amending assessment law, - - - -	Wiley,	53
Granting use of Hall of House to Prof. Smith,	Ferguson,	53
Referring Governor's message, - - -	Com. of whole,	55
Purchasing newspapers, - - - -	Vandever,	60
Relating to the law confining voters to their own townships, - - - -	Clements,	62
Referring members' certificates to committee on elections, - - - -	Pennington,	62
Requiring doorkeeper to act as sergeant-at- arms, - - - -	Davis,	62
Requiring State Printer to furnish a certain act therein named, - - - -	Baker,	62
Requiring information from the Governor,	Cookerly,	62
Relative to bridges on White Water canal,	Wiley,	62
Relative to fees of jurors in Clinton county,	Seawright,	62
Relating to choses in action, - - - -	Carr,	62
Altering time of electing township trustees,	Clymer,	62
In relation to selling canal land for taxes,	Parker,	63
Relative to constitutionality of section 73, page 976, of Revised Statutes, - - -	Vandever,	63
Amending 71st section, article 6, chapter 12, of Revised Statutes of 1843, reducing fees for collecting revenue, - - - -	Nofsinger,	63
Relative to serving subpœnas in chancery by copy, - - - -	Ferguson,	63
To establish probate circuits, - - - -	Henry,	63
Relative to a certain lot in the town of In- dianapolis, - - - -	Webber,	63

RESOLUTIONS — *Continued.*

<i>Subject Matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Amending valuation laws, - - -	Dole,	64
Relative to electing supervisors on roads on the first Monday in August, - -	Davis,	64
Authorizing county auditors to acknowledge deeds and mortgages, - - -	Cruikshank,	64
Appointing committee to enquire into the situation of the sinking fund, - -	Moore,	67
Amending the school law, - - -	Julian,	67
Amending school law, - - -	Hill,	68
Making complainants in State prosecutions liable for costs, - - -	Bowman,	68
Abolishing special pleading, - - -	Cookerly,	68
Amending 171st section of the 30th chapter of Revised Statutes, - - -	Harvey,	68
Repealing a portion of the valuation and appraisement laws, - - -	Clymer,	68
Repealing 34th section of Revised Statutes, page 968, - - -	Leyman,	68
Reducing the interest on the surplus revenue fund, - - -	Vandever,	72
Making seduction a penitentiary offence,	Arnold,	73
Requiring information from State Agent,	Clymer,	73
Relating to road tax on non-residents' lands,	Seawright,	74
Calling on select committee on apportionment to report, - - -	Burns,	74
Granting use of Hall to Mr. Teliga to deliver a lecture, - - -	Hazelrigg,	74
Amending the road law, - - -	Hinchman,	81
Allowing pay to witnesses before grand juries,	Hazelrigg,	82
Adding S. P. Mooney to select committee to district the State, - - -	Mickle,	82
Abolishing the office of examiners of common school teachers, - - -	Henry,	82
Amending the school law, - - -	Seawright,	83
Relative to writs of ne exeat, - - -	Stapp,	83
Granting use of Hall to Mr. Parnell, -	Dowling,	83
Abolishing the office of State Agent, -	Cox,	83
Relative to the preservation of legislative papers, - - -	Davis,	83
Relative to the Journals of the Legislature,	Lowe,	83
Repealing 107th section of Revised Statutes, as relates to teachers of district schools,	Cameron,	83



RESOLUTIONS—*Continued.*

<i>Subject Matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Extending jurisdiction of justices of the peace,	Wilson of M.,	84
Abolishing the office of school commissioner,	Nofsinger,	84
Reducing the fees of county recorders, -	Webb,	84
Abolishing the office of county assessor, -	Thompson,	84
Relative to the preservation of the trust funds,	Lowe,	84
Referring Governor's message, - - -	Baker,	84
Granting use of Hall to Sabbath convention,	Hall of G.,	85
Repealing law imposing fines on delinquents,	Pennington,	100
Appointing committee on New Albany and Vincennes road, - - - - -	Vandever,	100
Calling convention to revise constitution, -	Secrest,	100
Making witnesses in criminal prosecutions liable for costs, - - - - -	Coffin,	100
Relative to justice's jurisdiction, - -	Arnold,	100
Repealing law authorizing payment of water rents in canal scrip, - - - - -	Clymer,	101
Transferring probate business to circuit courts,	Lowe,	101
Amending 90th section of article 7, chapter 12, of Revised Statutes of 1843, - -	Nofsinger,	101
Appointing select committee to revise the fees of officers, - - - - -	Smith,	101
Granting use of Hall to Mr. Hilditch, -	Kimberlin,	101
Granting use of Hall to Indianapolis Quar-tette Band, - - - - -	Stapp,	101
Enquiring into condition of three per cent. fund, - - - - -	Seawright,	108
Relative to charges to petit juries, - -	Tomlinson,	108
Relative to defaulters, - - - - -	Wiley,	108
Calling on State Agent for information, -	Burns,	109
Repealing or amending 65th section of the 54th chapter of the Revised Statutes, -	Harvey,	109
Exempting forty acres of land from taxation,	Clements,	109
Calling on Agent of State for information,	Hazelrigg,	110
Requiring Agent of State to identify the amount of bonds given without consid-eration, - - - - -	Lanius,	110
Calling on the trustees of the deaf and dumb asylum to report, - - - - -	Hazelrigg,	110
In relation to a select committee on commu-nication of Charles Butler, - - -	Secrest,	114
Amending 6th section of 1st article of chapter 39, of the Revised Statutes of 1843, -	Mooney,	120

RESOLUTIONS—*Continued.*

<i>Subject Matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Requiring information from Auditor, -	Thompson,	120
Repealing 340th and succeeding sections of the 40th chapter, 12th article, of the Revised Laws of 1843, - - - -	Secrest,	120
Relative to the school law, - - -	Wilson of M.,	120
Authorizing district trustees to administer oaths, - - - - -	Webber,	120
Repealing certain laws, - - - -	Coffin,	128
Requiring information from State Agent, -	Dowling,	134
In relation to suits against Insurance Company, - - - - -	Edwards,	137
Relative to members of county boards transacting business, - - - -	Moore,	137
Amending 12th chapter, 5th article, of Revised Statutes, - - - -	Harvey,	137
Referring report of superintendent of State Prison to committee on State Prison, -	Riley,	138
Amending 141st section of chapter 35, of the Revised Statutes, - - - -	Lewis,	138
Making verbal contracts for rent binding, -	Moore,	138
Allowing witnesses before grand juries pay, -	Smith,	138
Amending the 298th section of 13th article of 47th chapter of Revised Statutes, - -	Wilson of M.,	138
Amending 309th section of 10th article of chapter 40, of Revised Statutes, - -	Mooney,	138
Calling on the Governor for information, -	Monroe,	139
Granting use of Hall to Mr. Parnell, -	Stapp,	139
Repealing 109th section, chapter 16, of Revised Statutes, - - - -	Cruikshank,	139
Relative to electing supervisors in the several districts in which they reside, - -	Seawright,	139
Calling on Auditor for information, - -	Cameron,	139
Granting use of Hall to colonization society, -	Pennington,	150
Changing the time of selling lands mortgaged to sinking fund, and for other purposes, -	Dowling,	152
Amending road law, - - - -	Davis,	152
Calling on commissioner of Wabash and Erie canal to report, - - - -	Leyman,	152
Amending relief or appraisement law, -	Blackwell,	152
Relating to State Bank, - - - -	Dowling,	152
Publishing Statutes in some newspaper at Indianapolis, - - - -	Baker,	152

RESOLUTIONS—*Continued.*

<i>Subject matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Making allowance to Andrew Robb, -	Cox,	152
Amending the laws regulating the duties of overseers of the poor, - - - -	Henry,	153
To adjourn, sine die, on fifth day of January,	Mickle,	153
Changing probate law, - - - -	Dole,	153
Going into election of sergeant-at-arms, -	Fuller,	155
Granting use of Hall to superintendent of deaf and dumb asylum, - - - -	Hazelrigg,	159
Changing order of business, - - - -	Shanks,	164
Amending law allowing interest on claims filed in probate court, - - - -	Seawright,	164
Asking permission for select committee on public debt to employ a clerk, - -	Secrest,	189
Calling on Governor for report of engineer on Wabash and Erie canal, - - -	Endecott,	200
Authorizing clerks to employ assistance, -	Vandever,	208
Calling on auditor for information, - -	Nofsinger,	208
Calling on auditor for report of the superintendent of the New Albany and Vincennes road, - - - - -	Clements,	208
Amending 100th section of the 12th chapter of the Revised Statutes, - - - -	Lewis,	208
Reducing amount of county auditor's bond,	Carr,	208
Going into the election of State Agent, -	Vandever,	221
Granting use of Hall to Rev. B. F. Foster,	Kerr,	223
Calling on the Governor for report of David W. Miller, - - - - -	Endecott,	223
Making certificates of State Librarian vouchers for warrants, - - - - -	Osborn of S.,	223
Going into the election of State Agent, -	Davis,	223
Adjourning, sine die, on the 7th day of January, - - - - -	McCormack,	232
Amending the law relative to changes of venue, - - - - -	Jones,	232
Amending the law relative to pleading in actions of covenant, - - - - -	Baker,	244
Procuring uniform weights and measures for each county, - - - - -	Taber,	244
Re-organizing the militia, - - - - -	Seawright,	271
Constituting township courts, - - - -	Cookerly,	271
Instructions to select committee on printing,	Carr,	271

RESOLUTIONS—*Continued.*

<i>Subject matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Relative to the State bank issuing notes of a less denomination than five dollars, -	Secrest,	284
Taxing school lands, - - -	Wise,	284
Making a lien upon land for taxes, - -	Taber,	284
Providing for transcripts from district to circuit court to bind real estate, - -	Taber,	285
Changing the time of paying interest on canal lands from October till January, - -	McCormack,	293
Providing for the pay of messengers to notify electors of President and Vice President,	Secrest,	293
Going into the election of superintendent of New Albany and Vincennes road, -	Logan,	293
Relative to collecting fines for non-performance of military duty, - - - -	Webber,	293
Relative to the House holding night sessions,	Hinchman,	293
Appointing a select committee to enquire into the expediency of paying the State debt,	Hazelrigg,	293
Relative to adjourning, sine die, on 12th of January, - - - - -	Chambers,	294
Inviting Senate to proceed to the election of a superintendent on New Albany and Vincennes road, - - - - -	Hazelrigg,	312
Appointing an agent to examine the bank,	Leyman,	321
Amending sections 129, 130, 131, of chapter 15, of the Revised Statutes, - - -	Watt,	321
Calling on the Governor for report, - -	Baker,	321
Adjourning sine die, on 19th January, -	Davis,	322
Relating to jurors before justices' courts, -	Blackwell,	322
Relating to summoning non-residents to attend before justices of the peace, - -	Julian,	322
Amend 27th section of the 8th article of the Revised Statutes of 1843, - - -	Rippey,	322
Appointing an agent to examine sinking fund,	Webber,	322
Informing the Senate that the House was ready to proceed to the election of bank directors, - - - - -	Stapp,	329
Adjourning, - - - - -	Fuller,	333
Granting use of the Hall to Doctor Hill, -	Lowe,	338
Relative to re-organizing the militia, - -	Davis,	339
Directing clerk to prepare a tabular statement of report of county treasurers, -	Secrest,	339
Relative to the three per cent. fund, - -	Seawright,	353

RESOLUTIONS—*Continued.*

<i>Subject matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
To adjourn, sine die, on 19th January, -	Fuller,	353
Stoping interest on old scrip, - - -	Jones,	353
Relating to the mute asylum, - - -	Kerr,	355
Relative to school commissioners bonds, -	Wise,	355
Repealing 236th section, 9th article, of chapter 40, of Revised Statutes, - - -	Baker,	355
Relative to the superintendent of State prison,	Vandever,	360
Relative to assessors, - - - -	Yocum,	360
Relative to report of the committee on State prison, - - - - -	Hall of G.,	371
Calling on president of State bank for information, - - - - -	Stapp,	401
Relating to county treasurers, - - -	Watt,	401
Allowing Samuel P. Daniels thirty dollars,	Wilson of M.,	401
Relative to insuring State House, - - -	Conduit,	401
Relative to the Central canal, - - -	Webber,	402
Granting use of Hall to democratic and whig conventions, - - - - -	Mickle,	413
Adjourning until 10th January, - - -	Secrest,	426
Allowing adjutant general office rent, -	Fuller,	441
Relative to purchasing an engine, - - -	Webber,	459
Relative to the State prison, - - -	Ferguson,	460
Allowing a claim to the commissioner of the lunatic asylum, - - - - -	Hazelrigg,	460
Ordering that no bills shall be introduced after a certain day therein named, -	Mickle,	461
Going into election of canal agent, - - -	McCormack,	480
Holding night sessions, - - - - -	Seawright,	480
Relative to the militia, - - - - -	Nofsinger,	480
Allowing Edwin Hedderly twenty-five dollars and seven cents for articles furnished for use of the State, - - - - -	Wilson of M.,	480
Relative to canal agent, - - - - -	Webber,	481
Relative to interest on canal scrip, - - -	Jones,	481
Changing standing rules, - - - - -	Cookerly,	481
Allowing Andrew Robb fifteen dollars, -	Cox,	481
Allowing S. A. Hall for printing, - - -	Taber,	490
Relative to Silas Colegrove, Esq., - - -	Ford,	533
Relative to new carpets, - - - - -	Thompson,	533
Allowing Michael Shea for labor, - - -	Webber,	534
Going into the election of State agent, -	Meeker,	534



RESOLUTIONS—*Continued.*

<i>Subject matter of.</i>	<i>Mover's Name.</i>	<i>Action.</i>
Relative to adjourning, - - - -	Thompson,	534
Relative to evening sessions, - - -	Nofsinger,	535
Resolution of thanks to John S. Simonson, Speaker, - - - - -	Monroe,	567
Going into election of State agent, - -	Rousseau,	567
Relative to the deaf and dumb asylum, -	Webb,	568
Providing for the election of superintendent of the Wabash and Erie canal, - -	Mickle,	594
Relative to leave of absence, - - -	Davis,	594
Vote of thanks to Dennis Pennington, -	Secrest,	631
Vote of thanks to Principal Clerk, - -	Harvey,	641
Vote of thanks to Assistant Clerk, - -	Harvey,	641

## S

## SEAWRIGHT, WILSON.

Appeared and was qualified, - - - - - 3  
 Motions made by, 63, 125, 126, 174, 215, 219, 226, 249, 256, 295,  
 [297, 327, 476

## SCOTT, HUGH S.

Appeared and was qualified, - - - - - 193

## SECREST, HENRY.

Appeared and was qualified, - - - - - 5  
 Motions made by, 13, 27, 28, 41, 54, 56, 65, 78, 85, 125, 143, 166,  
 [170, 171, 174, 178, 182, 244, 272, 295, 307, 337, 339, 371, 477, 506

## SHANKS, WILLIAM.

Appeared and was qualified, - - - - - 5  
 Motions made by, 31, 40, 41, 42, 43, 50, 125, 151, 174, 175, 184,  
 [200, 257, 269, 355, 364

## SLATER, RICHARD.

Appeared and was qualified, - - - - - 4  
 Motions made by, - - - - - 109, 174, 303

## SLEETH, JAMES R.

Appeared and was qualified, - - - - - 5  
 Motion made by, - - - - - 45

## SMITH, ANTHONY F.

Appeared and was qualified, - - - - - 4

## SNOOK, HENRY T.

Appeared and was qualified, - - - - - 4

## STANFIELD, THOMAS S.

Appeared and was qualified, - - - - - 5

## STAPP, MILTON.

Appeared and was qualified, - - - - - 4  
 Motions made by, 9, 12, 13, 25, 31, 32, 42, 82, 83, 84, 92, 93, 114, 151,  
 [153, 195, 223, 245, 260, 264, 307, 316, 329, 377, 414, 476

## STEWART, WILLIAM.

Appeared and was qualified, - - - - - 4

## SMITH, JEREMIAH.

Elected Judge of the eleventh judicial circuit, - - - 45

## SIMONSON, JOHN S.

Appeared and was qualified, - - - - - 3  
 Elected Speaker, - - - - - 6  
 Vote of thanks to, - - - - - 567  
 Adjourns the House, sine die, - - - - - 643

## STATE LIBRARIAN.

Communication from, - - - - - 32

## SINKING FUND COMMISSIONERS.

Report of, laid before the House by the Speaker, - - - 81  
 Communication from, - - - - - 81

## STATE BANK.

Annual report of the directors of. [See Documentary Journal.]  
 Communication from the President of, - - - - - 91  
 Communication from the Cashier of, - - - - - 431  
 Communication from Cashier of Indianapolis Branch of, - 431  
 Communication from President of, - - - - - 501

## SPEAKER.

Election of,	-	-	-	-	-	-	-	-	-	6
Appoints standing committees,	-	-	-	-	-	-	-	-	-	28
Announces order of business,	-	-	-	-	-	-	-	-	-	28

## T

## TABER, CYRUS.

Appeared and was qualified,	-	-	-	-	-	-	3			
Motions made by,	-	53,	192,	231,	245,	252,	258,	296,	424,	553

## TEDFORD, HENRY P.

Appeared and was qualified,	-	-	-	-	-	-	-	-	3
Motion made by,	-	-	-	-	-	-	-	-	125

## THOMPSON, GEORGE B.

Appeared and was qualified,	-	-	-	-	-	-	5												
Motions made by,	11,	125,	127,	149,	156,	173,	195,	218,	223,	232,	[241,	294,	305,	399,	424,	446,	521,	535,	547

## TOMLINSON, JOHN.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	288, 462, 545	

## TRUSTEES OF DEAF AND DUMB ASYLUM.

Communication from,	-	-	-	-	-	-	-	-	122
---------------------	---	---	---	---	---	---	---	---	-----

## TURNER, ROBERT B.

Appeared and was qualified,	-	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---	---

## V

## VANDEVEER, JOEL.

Appeared and was qualified,	-	-	-	-	-	-	-	4
Motions made by, 11, 13, 14, 38, 52, 54, 64, 91, 110, 125, 129, 135, )								
158, 166, 170, 173, 174, 204, 289, 294, 295, 301, 315, 333, 410, }								
413, 420, 422, 461, 476, 505, 543, 568 }								

## W

## WABASH AND ERIE CANAL, SUPERINTENDENT OF.

Communications from,	-	-	-	-	-	-	-	158, 183
Stearnes Fisher elected,	-	-	-	-	-	-	-	605

## WEBBER, NATHANIEL B.

Appeared and was qualified,	-	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	-	162, 484, 547

## WILEY, SPENCER.

Appeared and was qualified,	-	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	-	239, 267

WILSON, YOUNG E. R. (*of Marion.*)

Appeared and was qualified,	-	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	-	156, 287, 504

WILSON, THOMAS H. (*of Noble.*)

Appeared and was qualified,	-	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---	---

WILSON, JOHN H. (*of Sullivan.*)

Appeared and was qualified,	-	-	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---	---	---



## WATT, WILLIAM.

Appeared and was qualified,	-	-	-	-	-	-	5
-----------------------------	---	---	---	---	---	---	---

## WEBB, DANIEL.

Appeared and was qualified,	-	-	-	-	-	-	4
-----------------------------	---	---	---	---	---	---	---

## WALKER, JACOB.

Elected director of State Bank,	-	-	-	-	-	-	332
---------------------------------	---	---	---	---	---	---	-----

## WILLIAMS, FRANCIS M.

Elected assistant clerk,	-	-	-	-	-	-	8
--------------------------	---	---	---	---	---	---	---

## WISE, THOMAS.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	364, 404

## Y

## YOCUM, FRANCIS B.

Appeared and was qualified,	-	-	-	-	-	-	3
Motions made by,	-	-	-	-	-	-	33, 449















